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AMERICAN CRISIS BIOGRAPHIES

Edited by

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The American Crisis Biographies

Edited by Ellis Paxson Oberholtzer, Ph.D. With the counsel and advice of Professor John B. McMaster, of the University of Pennsylvania.

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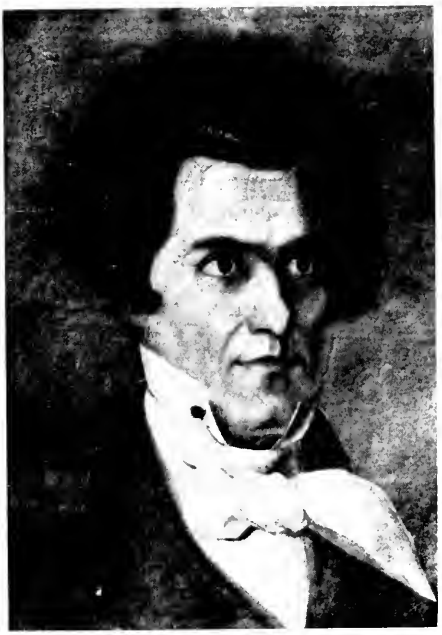

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J. C. Calhoun

AMERICAN CRISIS BIOGRAPHIES

JOHN C. CALHOUN

by

GAILLARD HUNT

Author of "Life of James Madison," etc.

PHILADELPHIA

GEORGE W. JACOBS & COMPANY

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PREFACE

In this book I endeavor to show not only the chief events in the political career of John C. Calhoun, but his complete identification with two opposing popular movements:—how he helped to form a broad national sentiment, the part he played in the struggle in his state against that sentiment, and his leadership of the triumphant sectional sentiment. I have shown that, as he was a popular leader, he was dominated by popular forces and that his power lay in his correct interpretation of the will of his people. To study his public life, therefore, is to study the course of public opinion in the South during a momentous period, when it formed into a great movement to resist a greater movement.

I have sketched his personal characteristics and his private life, which was beautiful in its simplicity and purity, and have aimed to show that his personal ambition was always subordinated to the cause with which he was identified. It is fortunate for the credit of our history that the leadership fell to such as he. If he had been a man of less lofty character and of less unselfish ambition; if he had tried to turn the great power which the people gave him to his own advantage, he would have made a

record of shame of what is now a record of honor. He dignified every question that he embraced, and it is largely due to him that the struggle which reached its final crisis soon after his death has at length come to be treated by dispassionate historians as the effort of honest men impelled by honest motives.

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CHRONOLOGY

1776—Patrick Calhoun and Martha Caldwell married.

1782—Birth of John Caldwell Calhoun, on September 12th, at Calhoun Creek, near Little River, Abbeville District, S. C.

1802—Enters Yale College in the Junior class.

1804—Graduates from Yale on September 12th.

1805—Enters the law-school of Gould and Reeve at Litchfield, Conn., remaining about eighteen months.

1807—Admitted to the bar and practices law at Abbeville. Elected to the state legislature on October 13th, and serves for two years.

1810—Elected a member of the national House of Representatives in October.

1811—Married on January 8th in St. John's Parish to Floride, only daughter of John Ewing Colhoun (or Calhoun). Returns to his plantation, "Bath," in the Abbeville District. Attends Congress on November 4th and makes his first speech on December 12th. He remains a member of the House till 1817.

1812—Offers declaration of war against Great Britain on June 3d.

1817—Assumes office as Secretary of War under James Monroe on March 3d and serves till October 8, 1825.

1819—Makes report on roads and canals on January 14th.

1822—Put in nomination for the presidency in Pennsylvania, and is a candidate continuously for twenty-eight years, until his death.

1824—Makes second report on roads and canals on December 3d. Elected Vice-President of the United States.

1825—Assumes office of Vice-President on March 4th, and serves for seven years. Moves to his permanent abode at Fort Hill.

1828—Writes the South Carolina *Exposition*, which the legislature orders to be printed. Reëlected to be Vice-President.

1830—Jackson accuses him of treachery. He replies on May 20th.

1831—Publishes Seminole correspondence in February. On July 26th writes *Address to the People of South Carolina.*

1832—Resigns the vice-presidency on July 16th. South Carolina passes the ordinance of nullification on November 24th. On December 12th is elected to the Senate.

1833—Takes the oath as senator on January 4th. On March 7th the compromise tariff bill is signed. On March 11th South Carolina Convention meets to repeal ordinance of nullification. Calhoun now remains in the Senate for ten years.

1843—Withdraws to private life and enters upon active campaign for the presidential nomination. Writes part of his *Disquisition on Government* and *Discourse on the Constitution of the United States.*

1844—Withdraws from presidential contest on January 20th. In March accepts office as Secretary of State under John Tyler.

1845—Elected a senator on November 26th and continues in the Senate until his death.

1846—Assumes leadership of the Senate on the Oregon question.

1849—Brings his *Disquisition on Government* to completion and nearly finishes his *Discourse on the Constitution of the United States.*

1850—On March 4th his last great speech is read in the Senate by Mason. On March 13th he delivers his last remarks. Dies in Washington on March 31st.

JOHN C. CALHOUN

CHAPTER I

A GOOD TRAINING

JOHN CALDWELL CALHOUN was born on March 18, 1782, in a comfortable frame house on Calhoun Creek, near Little River, Abbeville district, South Carolina. This house was destroyed by fire about ten years ago, but the place where it stood is still well defined. In 1782 it was the only frame house in that region, the others being built of logs; and Calhoun's father, Patrick Calhoun, was the chief man in a small colony of pioneers.

Patrick Calhoun was a Scotchman of the Highland Clan of Colquhoun, but his family had left Scotland for the north of Ireland early in the eighteenth century, and he was born in Donegal. Partly because of the failure of crops in Ireland, and partly for religious reasons, his father and mother, James and Catherine, with their four sons, emigrated to America in 1733, landing at New York. They settled near the Potomac River in the western part of Pennsylvania; but the country

being unsafe from the French and English war, then raging, they moved on to what is now Wythe County in Virginia, later, in 1755, following the Alleghanies to Waxhaw, S. C., and the next year to Little River. James Calhoun died before they moved to Virginia, and in 1760 the old Scotch mother, Catherine Calhoun, was killed by the Indians. Patrick married Martha Caldwell in 1770. She was born in Charlotte County, Virginia, but her family, like the Calhouns, were emigrants from the north of Ireland, where they had gone from Scotland, being, however, Lowlanders. Her brother, John Caldwell, was killed by Tories the year before the birth of her third son, whom she called after him. On both sides, therefore, he was of Scotch Presbyterian descent, and came of a race, self-opinionated, unbending and severe, fond of examining into the causes of things, resolute, and conspicuously without gayety or sense of humor. He was by descent a pure Scotchman, and his early associations were with the generation of pioneers who cleared the ground for their homes, built them with their own hands, and defended them with their lives.

Patrick Calhoun had had little schooling, and his son's education was remarkable in that, so far as teachers imparted it, it was acquired in seven years. He had arrived almost at man's estate and his nature and character were already formed before he went to school at all. The Rev. Moses Waddell, a Presbyterian minister, whose first wife was Cal-

houn's elder sister, lived in Columbia County, Georgia, for a few years, and at the age of thirteen Calhoun spent a year in his family. The clergyman managed a circulating library, and the boy read so much that his health became impaired. In consequence, he was brought home and put to the plow, read few books, and led an active farmer's life till he was nineteen. It was then determined by his family that his talents were such that he deserved an education, and they supposed that a year or two at school would prepare him for the study of law and admission to the bar. This did not please him, however. He was, he said, satisfied to continue a farmer's life, but if he was to be given an education, he must have the best the country afforded, and to complete it would require seven years. The necessary funds for the purpose being procured, he put himself under Dr. Waddell, who had now settled at Willington on the Carolina side of the Savannah River near the Georgia border, about eight miles from the Calhouns, where he kept what was probably the most famous, as it was certainly the most unique, school in the South.

The boys lived in log huts in the woods and furnished their own supplies, or boarded at farmhouses in the vicinity of the school, which was also built of logs. At sunrise every morning Dr. Waddell would come out on his porch and wind a horn, which was answered by horns from the houses of the boys, and they would then go to the main building for prayers. These being over, each boy would

take a chair marked with his name, and go off to the woods where they studied in groups. If the weather was cold, fires were lighted, about which they gathered. George McDuffie, Hugh S. Legaré, and James Louis Petigru were among the many eminent Carolinians who were educated at this strange institution, and all were agreed in an opinion which Calhoun expressed in later life, that, as a teacher, Dr. Waddell was almost unrivaled; that he succeeded in exciting emulation among his scholars, and was the father of classical education in the upper country of South Carolina and Georgia. Although Calhoun had never studied Latin till he went to Waddell's school, he was able, after two years at Willington, when he was twenty-one years old, to enter the junior class of Yale College. This institution was his own choice, and in making it, he followed the example set him by the wealthier young men of his state, who generally finished their education at Northern colleges or abroad.

Thomas Jefferson was President of the United States when Calhoun, also a Republican, entered Yale, a hotbed of Federalism. In conjunction with the clergy, this institution led public opinion in Connecticut, and taught the people to believe that Jefferson was a monster of wickedness, and that to return the Federalists to power was necessary for the salvation of the country. So the backwoods Carolinian, who had never before been in the North, and who had been only two years at school, was really more in touch with the trend of his time than

were the more cultured people of New Haven. There is a tradition that Timothy Dwight, the president of Yale, once engaged him in political debate in the class-room, and afterward spoke in high terms of his talents—a notable concession on his part, for he hated Republicans above all things. So far as Yale life went, Calhoun in the two years of his attendance at the college can hardly be said to have been absorbed by it, or to have absorbed it. He graduated on September 12, 1804, but on account of illness took no part in the commencement exercises, where he was to have read an essay on "The Qualifications Necessary to Constitute a Perfect Statesman."

To complete his education he next attended a law-school at Litchfield, Conn., kept by Judge James Gould and Tapping Reeve. It enjoyed a high reputation; and it is to be hoped that Mr. Reeve, at any rate, was a better teacher than he was a patriot, for a few months before Calhoun became his pupil, he wrote, on February 7, 1804, to Uriah Tracy, a United States senator from Connecticut, that he and all of his friends believed the time had come for New England to separate from the Union.[1] Calhoun lived at Litchfield for a year, but probably felt here, as he had in New Haven, that he was an alien. His most intimate associate was a fellow student, also from South Carolina, John M. Felder, who had been his classmate and chum at Yale, and was then and throughout his life

[1] Lodge's *Cabot*, p. 442.

a Republican of the old school, who looked to that party to save the nation, and who finally refused to follow his friend into the nullification movement, because he thought it would destroy the Union.

Calhoun returned to South Carolina, read law, and was admitted to the bar at Abbeville by the Supreme Court in the year 1807. For the study of the law he expressed an aversion; nor did he like the practice of the profession, although he succeeded from the start. He wished to acquire by means of it an independence and then return to a planter's life, declaring with perfect truth that he was not ambitious to be rich. The absence of this ambition was common with Southern men of his class. Whatever they were, they were not sordid. Their farms generally yielded full sustenance for the household. Habitually they did not need much money, and if the income was not sufficient for extraordinary expenses, they were met by borrowing. As is usual in agricultural communities, many were in debt; but Calhoun was taught in a strict school by a Scotch mother and managed his finances carefully.

The books read by a bright boy have an influence in moulding his mind, which is manifested through life, and it is, therefore, interesting to know that when Calhoun at thirteen was with Dr. Waddell, his favorite books were Rollin's *Ancient History*, Robertson's *History of America* and of *Charles V*, Voltaire's *Charles XII* and Locke's *Essay on the Human Understanding*. This was a vigorous and comprehensive course. From Rollin he learned

about the chief empires of the ancient world ; from Robertson and Voltaire he obtained an insight into European history in the sixteenth and eighteenth centuries, and also from Robertson a knowledge of early American history ; while Locke taught him an elaborate method of analysis and superfine reasoning which he himself afterward applied to the Constitution of the United States.

Calhoun was thirteen years of age when his father died. This father was a leader in his community, a county judge and a member of the state legislature. He was a Whig during the Revolution, and afterward opposed the adoption of the Constitution of the United States. One of his son's earliest recollections was, when nine years of age, hearing him argue in favor of a government which should allow the largest amount of personal freedom compatible with social order. He was a democrat, and in common with many men of the day, feared that the power conferred upon government by the new Constitution would prove fatal to liberty in America. The son was too young to receive a lasting impress from the father, but he naturally inherited the father's political views.

It was under the mother's direction that the boy learned to manage the plantation. She was thrifty and competent, and the high character and inflexible nature of the son were inheritances from her. She was an old woman when he left home to go to school and died before he completed his course at Yale.

When Calhoun was about eighteen years of age,

there entered into his life a peculiarly tender and softening influence in the friendship which he formed with Floride Bonneau Colhoun, the widow of his first cousin, John Ewing Colhoun,[1] who represented South Carolina in the United States Senate for a year, from 1801 until his death in 1802. She was of a French Huguenot family, a woman of wealth and of a generation before Calhoun's. There was a strong attachment between them. She regarded him almost as a son; he felt for her veneration, respect and warm affection, and when a young man confided in her as he did in no other person. Floride Bonneau, in turn, put such trust in him that she wished him to marry her only daughter, Floride, and when the young man fell in love with her, he communicated his wishes and hopes to the mother from whom he received assistance in his suit. The natural result followed, and they were married on January 8, 1811. The girl had grown into womanhood with him before her; and no other love of his has been recorded. So at the age of twenty-nine his domestic life was settled.

His marriage brought him an addition to his income, but he had already abandoned the practice of law, and now settled on a plantation, which he called "Bath," in the Abbeville district. In 1807, two years before he was admitted to the bar, he was

[1] An effort was made to get Senator Colhoun to restore the spelling of the name to Colquhoun, and he compromised by changing it from Calhoun to Colhoun; but his widow was commonly called Calhoun.

elected a member of the state legislature. He was following what he conceived to be the line of duty of every man of education with sufficient leisure; that of offering himself for the public service.

After three years of distinguished connection with this body, Calhoun was elected to the national House of Representatives as a Republican, and took his seat in November, 1811.

We see the young man just entering upon his extraordinary career. He is six feet two inches tall, with bushy brown hair which he parts on the side and which falls over his high forehead. Blue or gray eyes of startling brilliancy are set deep in their sockets and shadowed by heavy brown eyebrows. His features are regular, his face thin, and his expression serious but kindly. His figure is gaunt and erect; he is clad soberly and plainly and he is evidently a countryman. He has absolutely no personal vanity, and his manners are simple, gentle and sympathetic. He takes life seriously and his nature is serious. He has little sense of humor and has never written a line of poetry,[1] nor read much of it; he has cultivated none of the graces of life. He has scattered no wild oats, and has needed the forgiveness of neither man nor woman. He has seen nothing of the world, and has entered into no life beyond that of his native state. He has traveled to and from Connecticut, has seen the sea at Newport

[1] The statement stands, notwithstanding the fact that some youthful verses of his have been found, each stanza of which begins with the word "whereas."

where Floride Bonneau had a house, and has visited New York ; but he has lived nowhere but in Carolina. The young man's life has been narrow, but he has a moral character that is inflexible and a perfect faith in himself. He is resolute, fearless, self-reliant and strong, and wheresoever he may direct his steps, there will he go, nor will obstacles in his path stop him or turn him. He appears upon the national stage at the time of a crisis, prepared to act a statesman's part.

CHAPTER II

THE LEADERSHIP OF THE YOUNG MEN

NEVER had the condition of the country been more alarming than it was when Calhoun entered the House of Representatives. War was really impending, yet neither Congress nor the Executive was preparing for it, and the people did not realize its imminence. Disunited, the country had blundered on, without definite purpose and without leaders. The President wished to avoid a conflict so long as he could. It was, in fact, his duty to exhaust every peaceful resource; but having done so he was not the proper man to call a nation to arms, for feeling no martial ardor he could inspire none. For some years Congress had been an inefficient body—an aggregation of conflicting factions, with the strongest men numbered among the disaffected Federalists, who, the British government believed, sided with it in its dispute with the United States. It could not believe otherwise when the British envoy reported that two prominent Federalist senators had urged him to stand firm against the American government.

The Twelfth Congress met on November 4, 1811, a month before the usual time, and public interest centred in the House, which then offered a greater

field for activity than the Senate. Henry Clay had, in fact, declined returning to the Senate, in order that he might take the leadership in the other branch of Congress, where he was elected Speaker. He was only thirty-four years of age, and he appointed to be the second member of the Committee on Ways and Means, Langdon Cheves, of South Carolina, who was his senior by only a year, while William Lowndes, also of South Carolina, but twenty-nine years old, was made the second member of the Committee on Manufactures and chairman of the Committee on Naval Affairs. Calhoun occupied the second place on the Committee on Foreign Relations; but the following spring, the chairman, General Peter B. Porter, of New York, having retired from Congress, he succeeded to the post. Cheves became chairman of the Committee on Ways and Means in 1813, and in 1814, when Henry Clay went on his mission abroad, was made Speaker of the House. In 1812 the predominance of South Carolina in Congress was an embarrassment to the Speaker in making up the committees, and Calhoun, being the junior member of the delegation, expressed a willingness to retire from the chairmanship of the Foreign Relations Committee, so that Cheves and Lowndes could have the chairmanships to which they were entitled. John Smilie, of Pennsylvania, an old member, was accordingly made chairman, but at the first meeting of the committee, he resigned and Calhoun became his successor. If to the names of Calhoun, Cheves and Lowndes are added those of

Clay and Felix Grundy of Tennessee, the list of the great leaders of the House, who shaped the course of legislation immediately before, during, and after the War of 1812, is complete. In the Senate John Gaillard, of South Carolina, was the President *pro tempore*, and the Vice-President, Elbridge Gerry, dying on November 23, 1814, Senator Gaillard, for nearly three years, was first in the line of succession to the presidency of the United States. No state then wielded so great a power in the nation as South Carolina. When Henry Clay was an old man, he gave it as his opinion that in no Congress in all the years of his public service was there "such a galaxy of eminent and able men as were in the House of Representatives of that Congress which declared the war, and in that immediately following the peace."

On December 11, 1811, after a service of little more than a month, Calhoun made his first long speech in the House on the report of the Committee on Foreign Relations, which precipitated the conflict with Great Britain. It was a young man's speech—an impetuous call to arms and a fervid appeal to the country to fight and not count the pecuniary cost of war against the loss of honor.

He was classed at this time as a supporter of the administration, but he did not accept the embargo and non-intercourse policy, and voted for the last embargo, immediately before the declaration of hostilities, simply because he considered it a war measure. On April 4, 1814, he introduced the bill to re-

peal the embargo and non-intercourse acts. Restrictive measures, he contended, were not suited to the activity of the people, and rendered the government unpopular. They antagonized the merchants and demoralized them by giving encouragement to smuggling. He favored a more robust policy. "The nation," he maintained, "ought to be taught to rely on its own courage, its fortitude, its skill and virtue for protection." His objections to the policy were "of a general and national character." "It sinks the nation in its own estimation," he said; "it counts for nothing what is ultimately connected with our best hopes—the union of these states. Our Union cannot stand on the cold calculation of interest alone."

He approached every subject that came before the House from the standpoint of broad nationalism. In his first speech he said: "I am not here to represent my own state alone. I renounce the idea, and I will show, by my vote, that I contend for the interests of the whole people of this community."

The leadership of the young men was experimental at first, and it was uncertain how the people would greet it; but after continuing for six months, it became apparent that it had popular support.

It had been doubtful, too, what would be the course of the House upon the great issue, but the young leaders, with the encouragement of the administration, had succeeded in securing a majority, and a deputation of members, with Clay at their head, waited upon the President and represented to

him that they were now ready to vote for war, if he would recommend it. This was all Madison had been waiting for, and on June 1st he sent the war message to Congress. At the close of the sitting, it was referred to the Committee on Foreign Relations of which Calhoun was then the head, because of the temporary absence of the chairman; and on the morning of June 3d he brought in the famous report, recommending a declaration of war, which was the strongest presentation of the case against Great Britain ever written. Because of its great length and the evident elaborate care in the preparation, it is improbable that the report was composed in the brief period of less than two days which elapsed after the reception of the President's message. It had, in fact, been prepared when the message was prepared, or before, and by the hand of the Secretary of State, James Monroe. Both the message and the report emanated from the same source, the administration of James Madison.[1]

The report pleased Calhoun as well as if he had

[1] This report has commonly been attributed to Calhoun, but erroneously; nor has the fact that Monroe wrote it ever been made known before. It is derived from an extract from an unpublished article by Joseph Gales sent on January 12, 1854, by William M. Moore, of the *National Intelligencer*, to Richard K. Crallé. Gales's testimony is based upon his personal knowledge. He says that he saw the report and that it was in the handwriting of Monroe's private secretary. The account of Clay's visit to Madison follows Gales's MS. This was the famous visit when, according to certain false accounts, Clay offered Madison a renomination for the presidency in exchange for a war message. As a matter of fact, the administration was waiting for Congress, instead of Congress prodding the administration.

written it himself and he sustained it with all his strength. His speech a year later, June 16, 1813, supporting the war was the strongest defense it ever received. For the Federalists who opposed it, he expressed unmeasured contempt. They were, he said, on January 15, 1814, a factious and dangerous opposition. What measures were they urging? he asked. "Withhold the laws; withhold the loans; withhold the men who are to fight our battles, or, in other words, to destroy public faith; and deliver the country unarmed to the mercy of the enemy." He disclaimed any inclination to defend the conduct of France, but of those who sent memorials denouncing her, he said, on February 2, 1814, if they merely intended to express their aversion to French tyranny, he would agree with them; and so, he believed, would a great majority of the American people. It was not to this point of view he was disposed to object, but it was that, in abusing the French Emperor, they wished to justify the opposite despot over the Channel; and he made the grave charge that some Federalists in Congress seemed to exult at American military disasters.

Notwithstanding his contempt for the Federalist party, Calhoun acted with it when he thought it in the right; and he, Lowndes and Cheves, against the advice of Albert Gallatin, Secretary of the Treasury, voted for the bill remitting duties on goods imported before the declaration of war and held in bond. They also acted with the Federalists in obtaining an increase of the navy, although Republic-

ans generally followed Jefferson in treating that arm of the service with reprehensible neglect.

Calhoun was in favor of a national bank. For this purpose, he said, on November 21, 1814, he had regarded the nation as a nation, and not as divided into political parties; but he would not agree to the administration's bill offered in the session of 1814–1815, because its only object was to render assistance to the government through its borrowing capacity, and he still less approved Daniel Webster's substitute bill which eliminated this feature and made the proposed bank useless for any public purpose. The next administration bill, which he also opposed as unsatisfactory, failed because of the arrival of the treaty of peace; and in the Congress of 1816 he was made chairman of the Committee of the Currency, because, in debate, he had shown a notable grasp of financial subjects. He now introduced and carried through a bank bill of his own, the main purpose of which was to systematize the disordered currency. It became a law on April 10, 1816, and created a federal bank of great power, having a charter modeled upon that drawn up by Alexander Hamilton for the first bank of the United States. On March 20, 1816, he introduced another bill, "to regulate the currency within the United States of the gold coins of Great Britain, Portugal, France, and Spain and the five-franc pieces of Napoleon," and on April 13th, a resolution "that it is inexpedient at the present time to make the prohibition of the exportation of bullion and specie."

In fact, at this time he devoted more study to the subject of national finances than to any other subject.

In the progress of the war its strongest champion in the House was Calhoun. He stood for every measure looking to its vigorous prosecution, and even after the Treaty of Ghent arrived, advised caution in reducing the military establishment. He approved of the articles of the treaty, insisting that in failing to make provision against impressment, the question had not been abandoned, as we had shown such power in the war that no nation would ever again impress American sailors into its service. "I feel pleasure and pride," he said in a speech, on January 24, 1815, "in being able to say that I am of a party which drew the sword on this question and succeeded in the contest, for, to all practical purposes, we have achieved complete success."

He accepted willingly all the obligations which the war imposed upon the government, including that of protecting from destructive foreign competition the manufacturing industries called into being by the restrictive policy. He hoped, he said, "to see manufactures encouraged by appropriate duties, and had no idea of their being left without such protection." The next day he repeated that "the great requisite to the due encouragement of manufactures" now was, that "certain manufactures in cotton and woolens, which have kindly taken root in our soil, should have a moderate but permanent

protection insured to them." His views were substantially those put forth by Dallas, Secretary of the Treasury, in his report to Congress in 1816;—that manufactures recently or partially established should be fostered by protective duties, and those firmly and permanently established should be protected from ruinous foreign competition. The tariff of 1816, brought in by Lowndes, as chairman of the Committee on Ways and Means, met with Calhoun's full approval, and he even suggested that a duty be laid on sugar high enough to encourage its production in this country. When the duty on cottons was under consideration, he said that he favored a permanent tax of twenty per cent. He believed "the policy of the country required protection of our manufacturing establishments," and in seeking a reason, he regarded "the fact that it would make the parts adhere more closely; that it would form a new and most powerful cement, far outweighing any political objections that might be urged against the system." In his opinion the liberty and the union of the country were inseparably united. "That as the destruction of the latter would most certainly involve the former, so its maintenance will with equal certainty preserve it."

It was for the same broad reason that he favored the construction by the general government of a system of roads and canals throughout the states. In his first message to Congress after the war, Madison recommended the consideration of the subject, and suggested that, if the Constitution did not con-

fer the necessary power, the propriety of amending it should be discussed. In December, 1816, Calhoun introduced a bill, setting aside the government profits in the national bank, as a fund to be applied to internal improvements. More roads and canals, he thought, would make the wealth of the country more uniform and render the people more united, which was the greatest end of all. Constitutional objections he brushed aside. He was, he said, "no advocate for refined arguments on the Constitution. The instrument is not intended as a thesis for the logician to exercise his ingenuity on. It ought to be construed with plain, good sense; and what can be more express than the Constitution on this point?" The power to provide for the common defense and general welfare conferred sufficient authority for the purpose. Congress had already appropriated money for uses not enumerated in the Constitution. Of this course there had been general and manifest approval by the people, and "surely," he said, "it furnishes better evidence of the true interpretation of the Constitution than the most refined and subtle arguments." Calhoun's bill was passed March 1st, and on March 3d, the day before he went out of office, Madison vetoed it as unconstitutional.

Putting aside this measure, in which Calhoun's enthusiastic nationalism carried him too far, the verdict of impartial history must be that his course during the period of his leadership in the House was progressive, patriotic and inspiring. He was

right in helping to bring on the war, in urging its vigorous prosecution to the end, in accepting as reasonably satisfactory the peace offered by the Treaty of Ghent. He was right in opposing the policy of embargo and non-intercourse, which failed to coerce the enemy, impoverished part of our own population and accentuated sectional differences. It would have been far better, as Calhoun insisted, if, from the beginning, the people had had their attention directed to war as the only remedy for their grievances, instead of being encouraged to false hopes.

The Federalists were hopelessly in the wrong. Even if their opposition to engaging in the war is defensible, their conduct during its progress is not. They felt no community of interest with their fellow countrymen who were not of the same party as themselves; but while the country was locked in a death struggle, remained apart, sullen, critical and even disloyal. The seat of national sentiment was with the young Republicans of the South and West, who at this period shaped the national destiny. It was fortunate that they did so, for if the old Republicans, less wise and more prudent than the young statesmen who set them aside, or the timid and unpatriotic Federalists, had been in control, there would have been continued submission to outrages. Moreover, it would have been a submission forced upon a great number of the people, among whom there might have arisen a dangerous feeling of irritation against the government. Even if a ma-

jority had supported the course, the minority would have been large and active, and, blaming the government for an intolerable condition of affairs, would doubtless soon have become disaffected. The people would have been more seriously disunited in peace than they were in war. Great Britain, confirmed in her belief that America had neither spirit nor strength to resist her measures, would also have been convinced that there was a large party in the United States, more British than American in feeling ; that this party would support her plans ; and that these plans might eventually include efforts again to bring the country within the circle of British control. The clique of absolutely disloyal Federalists, who clung to the skirts of the old mother and shared her fears of free government, would have remained an influential element in a great party and would perhaps have grown in strength. One of the most far-reaching results of the war was that it drove these Federalists into the open, where public condemnation was concentrated on them and annihilated them, and thereafter there was no disloyal faction in the land. The successes of the war and the enthusiasm and confidence of the young leaders in Congress aroused the people, and when peace came opportunely and honorably, it was followed by a national feeling, stronger and deeper than had ever before existed in the republic. At length the nation was emancipated from European politics, and realized that it had a mission of its own and strength to fulfil it.

Never again was there an English party or a French party, and the halls of Congress echoed no more with speeches which would have sounded better in London or Versailles. The leading strings were broken, and the country bounded forward on its own way toward its own destiny. All this was brought about by the second war with Great Britain; and to few is the debt larger than to the men who forced the great issue. In the front rank of the gallant band stood John C. Calhoun.

CHAPTER III

"A MOST CAPTIVATING MAN"

THE six years of service in the House fixed Calhoun's career, and he was a public man for the rest of his life. He possessed many of the qualities to bring success. He had been accustomed to responsibility, having relied on himself from boyhood. He had been bred in a school rigidly honest. His financial circumstances rendered him independent of his official salary. "My highest ambition as to money," he said in 1837, "is to be independent in a moderate and plain mode of living. I have just about sufficient for that purpose and it is all I want." He had an orderly, analytical mind, a clear mental vision, and his speeches were more direct and forcible than those of any other leader of the period. From the time he entered the House, he had steadily improved as a public speaker, and he was too sensible to yield to the wishes of some of his friends, who begged him to cultivate the more ornamental style of oratory which was then so popular, but which he never condescended to use.

Behind him stood a constituency to whom he was an object of increasing pride, and he reflected the dominant sentiment of South Carolina perfectly. Early in his career he had been accepted by the whole state. His marriage into a low-country

family of Huguenot descent had given him a standing in Charleston without which his political advancement would have been difficult, for Charleston often controlled the state. There political and social life were inextricably blended and family prestige counted for much. It attached especially to those whose ancestors had come from France to America when the Edict of Nantes was revoked.

When Calhoun first went to Washington, no reputation preceded him, and during the six years of his service in the House he made the city a mere stopping-place and not a home. Nevertheless, he found the social life pleasant and mingled in it freely. It was composed, for the most part, of men of the same class as himself. From the old seaboard communities came a few people who enjoyed hereditary social prominence, and from the new West were also a few who were primitively ignorant of polite usages; but the majority were men who had had wholesome, if plain, home surroundings, who had received careful, if not elegant, home education, and who, if not gently bred, were certainly well bred; nor had any of them ever lived in a society in which there were people who treated them as inferiors.

During the early part of his congressional service, Calhoun occupied the same boarding-house as Clay, Cheves and Lowndes, and they became known as the "strongest war mess in Congress." Mrs. Cheves, at onee beautiful and charming, presided over them, being the only woman in the party.

There was enough society in the city to make the time go pleasantly. The permanent local group and the passing political lights blended harmoniously, and over them all beamed the genial luminary in the Executive Mansion. Dolly Madison's sway was undisputed during the eight years of her husband's presidency, and those were the golden days of the White House. She felt kindly toward "the war mess," whose members had come on the scene to rescue her husband's administration, and Calhoun attended her "drawing-rooms," by which royal term her simple receptions were known. The young statesman was favorably received and liked everywhere, for he was handsome, unassuming, of good manners and pleasant speech. Many people were drawn to him by his rising fame, and looking upon his strong, firmly-set features and deep unfathomable eyes, saw in him an indescribable attribute which set him apart from his fellow men and proclaimed him to be molded upon greater lines.

During the whole of his congressional career, from 1811 to 1817 when he entered the cabinet, Mrs. Calhoun remained at home in South Carolina with her increasing family, and the long separations were the most disagreeable circumstance of his life, for he was a devoted husband and father. Upon this wife, as upon other wives of Southern planters who were in public life, devolved great responsibility which was well discharged, for she had the undivided management of the house-

hold, and also, during her husband's long absences, of the farm as well.

In the autumn of 1811, just before Calhoun left for Washington, their first child was born, who, being a boy, was called after the father's cousin and friend, Andrew Pickens. In January, 1814, while he was in Washington, the second child was born—a girl, who received the beautiful name of Floride, after her mother and grandmother. The next year Calhoun returned home from Congress in March and in April the child died after a short illness. He wrote to his "mother," as he always called Floride Bonneau: "She had just begun to talk and walk; and progressed so fast in both as to surprise every one. She could hardly step when I returned on the 20th of March and before her death she could run all over the house. But why should I dwell on these once flattering appearances? She is gone, alas! from us forever; and has left behind nothing but our grief and tears."

In the autumn of 1817, after he had been made Secretary of War, Calhoun brought his family to Washington, took a house near the general post-office, and settled down with the intention of making the capital his home. His wife's mother joined him, and together they bought "Oakly," a commodious place on the heights above Georgetown, where he spent the summer months. The Calhouns now became a part of the city's life, and "old Mrs. Calhoun," as his mother-in-law was called to distinguish her from his wife, was an important per-

sonage. In 1822, when cholera ravaged the city, she participated in an active religious revival, and along with an enthusiastic young Presbyterian clergyman "beat up recruits," as she expressed it. But she complained that she could not include her daughter and son-in-law among them. He was, as we have seen, brought up in the Presbyterian faith; but he did not adhere to it strictly. Unitarianism attracted him, as it did many other public men of his day; he contributed to the erection of the first Unitarian Church in Washington and had a pew there. To William W. Seaton, the co-editor of the *National Intelligencer*, he once remarked, that Unitarianism was "the true faith, and must ultimately prevail over the world."[1] Notwithstanding this, he commonly attended the Episcopal Church of which his wife was a member. He was attached to any or all churches, and infidelity never entered into his life; but a religious man in the churchman's understanding of the word he was not.

He and his wife accepted the usual social duties of their position, entertaining freely, giving formal state-parties and evening-parties, and occasionally a grand ball. They had been living in the city a little more than two years when a domestic affliction served to show the extraordinary esteem in which they were held. In the spring of 1820 their youngest child, Elizabeth, not yet a year old, fell ill, and people thronged to the house to express sympathy for the father and mother. An intimate friend of

[1] Seaton's *Biography*, p. 158.

the Calhouns wrote to her sister : "I have never in my life witnessed such attentions. Ladies of the first and gayest fashion, as well as particular friends, pressed their attendance in a way not to be denied." The President called every day, and his daughter, Mrs. Hay, although in the midst of the bridal festivities of her sister, who was married at this time, insisted upon being one of the baby's nurses. Mrs. Adams and twenty other ladies were also in attendance and their solicitude at last became a positive embarrassment. "All this," says their friend, "was not a mere tribute to rank ;—no, I am persuaded much of it was from that good-will which Mr. and Mrs. Calhoun have universally excited. They are really beloved." On March 22d the child died, and on the same day the gallant Decatur was killed in a duel by Commodore Barron. The spectacular funeral of the naval hero and the simple funeral of the child took place within a few hours of each other, and the high dignitaries who went to the one afterward attended the other.[1]

The amiable and unassuming wife of the young secretary made friends easily, but her husband seemed to exert a fascination over people, so charming was his personality and so winning were his manners. Younger men especially fell under his spell, and he now formed the habit of attaching them to him, and imparting to their impressionable minds his views on public questions. Maturer and colder

[1] Margaret Bayard Smith's *The First Forty Years of Washington Society* (1906), p. 149.

hearts also warmed toward him. James Monroe, an old man with affections past the formative stage, confessed that he loved him; and Miss C. M. Sedgwick, of Boston, an old woman, meeting him at this time, declared afterward that she was not able to judge the merits of his pamphlet, in reply to General Jackson's charges in the Seminole affair, because "the light of his splendid eye still lingered in her imagination," and his face, which was "stamped with nature's aristocracy," had charmed her.[1] William Wirt, the accomplished Attorney-General, Calhoun's colleague in the cabinet, who was under no obligations to him, wrote to a friend in Virginia, November 12, 1824, that he was "a most captivating man"—"the very character to strike a Virginian—ardent, generous, high-minded, brave, with a genius full of fire, energy and light; a devoted patriot, proud of his country, and prizing her glory above his life." He predicted that a little more experience would "mellow him" for any service that his country might require.[2]

But there was another, one of the most critical men that ever lived, and always disposed harshly to judge his fellows, who regarded Calhoun as fitted for the highest honors of the republic, until they became rivals for those honors. John Quincy Adams, the Secretary of State, met Calhoun for the first time at Monroe's council-table and soon saw in him the only man in the administration who was his equal

[1] *The First Forty Years of Washington Society*, p. 334.
[2] Kennedy's *Memoir of Wirt*, Vol. II, p. 185.

in mental equipment. After an intimate and almost daily association for nearly two years, he asked him to accept the mission to France. He made the offer, he said, because he expected "more from him than from any man living, to the benefit of the public service of the nation," and wished, "from merely public motives that he could go and spend some time in Europe," as the experience would enlarge his usefulness. Calhoun replied that he knew the advantages to be derived from foreign observation, but that his private circumstances would not permit it. A year later Adams recorded the opinion that the South Carolinian was a statesman of a philosophical turn, and after they had served together four years he said on October 15, 1821: "Calhoun is a man of fair and candid mind, of honorable principles, of clear and quick understanding, of cool self-possession, of enlarged philosophical views, and of ardent patriotism. He is above all sectional and factious prejudices more than any other statesman of this Union with whom I have ever acted. He is more sensitive to the transient manifestations of momentary public opinion, more afraid of the first impressions of public opinion than I am."

Even after the passage of the first Missouri bill, Adams, on October 1, 1822, was able to say: "Calhoun has no petty scruples about constructive powers and state-rights." But Adams's feelings toward him underwent a change, and the society of Washington as well developed an anti-Calhoun circle in

the active rivalry of the candidates for the presidency, for this rivalry involved the whole city, and divided it into hostile camps. No opponent of Calhoun, however, could truthfully criticize his management of the War Department.

CHAPTER IV

THE SECRETARY OF WAR

When Monroe organized his cabinet, he did not at first intend to invite Calhoun into it, but wished to secure a western man to be his Secretary of War. He offered the post to Clay, who declined it, being offended because he was not made the Secretary of State. He next thought of Andrew Jackson, as he took pains to tell him, but knew he would not serve. Governor Shelby, of Tennessee, refused, then William Lowndes, and finally he called on Calhoun. Monroe's system of government was impersonal, and he surrounded himself only with men of reputation and following who brought strength and popularity to his administration. Such a one was Calhoun, although he had had no experience in executive office and was the youngest man in the cabinet, being only thirty-five years old. His friends thought that his genius lay not in the direction of administration, and advised him to remain in the House, where his future was assured ; but he desired to enlarge his experience and test his capacity, and was not deterred by the knowledge that the affairs of the War Department were in a chaotic condition. He entered on his new duties December 6, 1817, and at the end of the next three months began reorganizing

his department. He drafted a bill for this purpose, which was passed on April 14, 1818. It provided for a bureau system which is maintained with modification, to the present day. On December 18, 1818, he submitted a report on the general military administration, so able and complete that even Timothy Pickering, the old irreconcilable, was moved to write in its praise. He promulgated a full code of rules for the government of his department. When he became Secretary, its unsettled accounts aggregated upward of $40,000,000, and he paid all but a few millions which were impossible of liquidation. Indian affairs he managed with firmness and humanity, and he showed foresight by recommending that the savages be sent west of the Mississippi and taught civilized ways.

He brought down the expenditures of the army from $4,000,000 to $2,500,000 annually, without decreasing the comfort of officers or men, or lessening their pay. His system of fastening responsibility for expenditures and care of government property resulted in an enormous saving to the government. In 1821 he reduced the army to a force of about 5,000 officers and men, incurring, of course, the hostility of those officers whom he was obliged to discharge; but the army remained as he organized it and his department was administered on the system which he inaugurated, until the Mexican War, twenty years after he ceased to be Secretary. He gave form to the movement for the improvement and enlargement of the Military Academy at West

Point. At first he favored the establishment of two academies, one at the South and the other at the North; but finding this idea unpopular, he abandoned it and secured the necessary legislation to start the old one in the right path. General Simon Bernard, who was then the head of the Engineer Corps, and who had served in the French army as a general officer under Napoleon, declared that Calhoun's ability as an administrator reminded him of that of Bonaparte himself. He planned a complete system of coast defenses from Mount Desert to New Orleans, but the friends of William H. Crawford, Secretary of the Treasury, scenting in this bold executive officer, a probable candidate for the presidency, threw themselves in the way of his advance and defeated this ambitious project.

In the distribution of the patronage of his department Calhoun did not consider his own political advancement. The spoils system was at the time dormant, because the government had been in the hands of one party for sixteen years. Where a vacancy was to be filled, there was some political pressure in favor of the various applicants, but removals were not asked for party reasons, and Calhoun and his associates considered such dismissals improper. They were not averse to inquiry into the political affiliations of those whom they appointed; but there was no office brokerage so far as they were concerned. Calhoun made his friend and follower, Christopher Van Derventer, chief clerk of his department, but the post was a peculiarly

confidential one, and corresponded with that of the Assistant Secretary of War at the present day. He also provided for Thomas L. McKenney, in the Indian service, but during the time the latter was editing a Calhoun newspaper, he was not employed in the War Department.

The most important duties of a cabinet officer do not consist in the administration of the business affairs of his department, but in shaping the general policy of the government. Monroe consulted his cabinet constantly. He made it really an executive council, and its members must share with him the credit belonging to one of the most successful administrations in our history. In the council Calhoun's voice was usually on the side of bold action. In 1823 when there was a rumor that England was about to occupy Cuba, he proposed that the United States seize the island. In common with nearly all Republicans of the period, he favored its acquisition. He took the side of the South American states in their revolt against Spain, and was even willing to espouse the cause of the Greeks against the Turks. He was heartily in accord with the Monroe Doctrine,—that Europe should not be permitted to colonize any more on the American continent. He was scrupulously loyal to his chief, and when an effort was made by Crawford's friends in 1818 to create dissension between them by a resolution, calling on the Secretary of War for a report on the making of roads and canals for military purposes, although he submitted an elaborate statement

pointing out the benefit of such internal improvements, he gave no intimation that he deemed it the duty of Congress to provide for them. It was well known that he favored them, and that Monroe regarded them as unconstitutional. The report, however, was in effect, an excellent argument in favor of internal improvements and was generally so considered. Of the President the young secretary formed a high estimate, as did all men of discernment who knew him well. Writing of him on August 8, 1831, he said: "Though not brilliant, few men were his equals in wisdom, firmness and devotion to the country. He had a wonderful patience; and could above all men that I ever knew, when called on to decide on an important point, hold the subject immovably fixed under his attention, till he had mastered it in all its relations. It was mainly to this admirable quality, that he owed his highly accurate judgment. I have known many much more rapid in reaching the conclusion, but very few with a certainty so unerring."

In the consequences to himself, the most important occurrence during Calhoun's service in the cabinet, was his treatment of General Andrew Jackson's insubordination in the Seminole War, but it was not known at the time that he opposed leniency toward the General, and as the affair did not bear fruit till Calhoun was Vice-President, an account of it must be reserved for a later page.

During the whole four years of Monroe's second term in office, three of the five members of his cabi-

net were active aspirants to succeed him and at enmity with one another. Crawford was a veteran candidate and instigated attacks in the press and in Congress against Calhoun and Adams, whom he hated because they were in his way. They in turn hated him; and soon Adams and Calhoun fell out. In March, 1821, Calhoun told Ninian Edwards, a senator from Illinois, and a lieutenant of Adams's, that he had no idea of being a candidate for the presidency. Adams therefore believed that he could count on Calhoun's assistance in his own candidacy; but later in the year a concerted movement for the South Carolinian was made by Pennsylvania Democrats and his ambition was fired at once. The leaders in this campaign were Thomas J. Rogers, a representative from Pennsylvania, and Samuel D. Ingham, who had served in the House with Calhoun. Rogers himself was a manufacturer, and there is no doubt that Calhoun's record as a protectionist was one reason why the Pennsylvanians desired to see him elected. In December, 1821, a part of the legislature of South Carolina put William Lowndes in nomination. He was then the foremost man in the state, being there regarded as greater than Calhoun, and was besides the most popular man in the House. But the hand of death was visibly upon him, and he was seeking a way to retire from public life, which he never liked, and not to increase its cares. Politicians in Washington were amazed to see Calhoun and Lowndes associating in perfect amity after both had been put in nomination for the presidency,

but there was no real rivalry between them. Calhoun knew that the choice of Lowndes was chiefly a compliment and that he himself could have the support of South Carolina when he desired it. Nevertheless, he called the nomination "a very rash and foolish movement." He held a conversation with his colleague about it and asked whether he should withdraw; but Lowndes said no, and together they took measures to prevent the collision of their friends.[1] After Lowndes's death in November, 1822, the legislature nominated Calhoun.

Thus it happened that, for a period covering thirty years, from the time he was a young man until his death at the age of sixty-eight, Calhoun was an aspirant to the presidency. He stooped to no ignoble acts to obtain the nomination, and this can be said of few American statesmen who have been in a position similar to his. He always believed that his political conduct was not influenced by his presidential aspirations, and he endeavored to keep himself free from such influences. But this overweening ambition was ever in his mind; his friends were incessantly scheming to nominate him and always talking to him about it, and he himself was constantly reckoning his chances. The effect upon his thoughts and actions was subtle but certain, at times easily discernible, and often unfortunate.

Having been proposed for the presidency by the Pennsylvania meeting and by his own state, and

[1] Calhoun to Maxcy, December 31, 1821. Markoe Papers, Library of Congress MSS.

seeing an increasing number of followers about him, Calhoun made an active campaign in his own behalf. The newspapers in Washington being friendly to Crawford, Thomas L. McKenny left the War Department and started the *Washington Republican and Congressional Examiner* in August, 1822. Noah, of the *National Advocate*, truly said that the mission of the new paper was to defend the administration, attack Crawford and support Calhoun's candidacy for the presidency; but it was a reputable publication and its articles were well written. Calhoun strongly opposed the nomination of candidates by congressional caucuses, declaring that this was a right to be exercised by the people. In this view he was entirely correct, and Crawford's chief strength lay in Congress.

When Adams found that this novice in public life had dared to enter a race in which he was a competitor, the favorable opinion he had thus far entertained of Calhoun underwent a change, and he became especially bitter when he discovered that some who he thought were his friends had chained themselves to Calhoun's car, believing his would be the triumph. He now saw plots and counterplots to undo him; and declared that Calhoun would ruin himself with his "hurried ambition." Finally, on April 18, 1824, he set down this estimate of him whom, a few years before, he had deemed the most promising public man in the United States: "Precedent and popularity—this is the bent of his mind. The primary principles involved in any public ques-

tion are the last that occur to him. What *has been done*, and what *will be said*, are the Jachin and Boaz of his argument."

Fifteen years after this contest, Calhoun spoke of it as an ambition in the heat of youthful years pursued by honorable means, and so undoubtedly it was. It may well be doubted whether it improved his political fortunes, for it aroused lasting antagonisms, and the conditions favorable to his success were never present.

The contest was a unique one. Adams, Crawford and Calhoun being residents of Washington, it was the chief scene of the rival maneuvering. There were Crawford parties at the theatres and Calhoun dinners. It was soon noted that Calhoun was not as universally popular as he had been before he became a presidential candidate. There was a rude disturbance to the little self-centred world at the capital when the legislature of Tennessee placed Andrew Jackson in nomination and a convention in Pennsylvania soon followed this lead, at the same time nominating Calhoun for the vice-presidency. When this occurred, Adams was probably South Carolina's second choice, but in order to insure Calhoun's election to the vice-presidency, the state promptly fell into line for Jackson also. Calhoun was quick to read the signs of the times and withdrew from a race in which he saw he could not win.

Doubtless he was in favor of Jackson's election, for he wrote to him on March 30, 1823, to say: "I find few with whom I accord so fully in relation to

political subjects, as yourself."[1] He agreed, however, to accept the vice-presidency, and being opposed neither by Adams nor Jackson, was elected in the autumn of 1825 by a vote of 182 to 30 for Nathan Sanford, the Federalist candidate. All of the electors who voted for Adams, except those from Connecticut, supported him, as did all who voted for Jackson, except seven from New York; but all who voted for Crawford voted against him, as did most of Clay's adherents.

With the termination of his service in the cabinet, his active career as a nationalist statesman came to an end. It had extended over a period of fifteen years, and he had been a great representative and Secretary of War; but by accepting the vice-presidency, he precluded the possibility of his performing notable service as long as he held that office. Why did he seek this lazy dignity? The inactivity of the office would render it easy to avoid making new enemies, while not losing old friends, and there was the precedent before him of two Vice-Presidents having been promoted to the presidency. A season of aloofness from the prevailing political turmoil would strengthen his chances of advancement, and his rivals were in a fair way to cut each other's throats. Thus far his career had been one of remarkable progress upward, and his qualifications for public service had had free opportunity for demonstration. All that was best in him had come forward, and his course had been unvexed by the

[1] Blair Papers, Library of Congress MSS.

fatal question, which, whenever it got before the country, threw national statesmanship into the background, and made all public men either Northerners or Southerners.

There was never a period before the Civil War when the slavery question was so quiescent as during the years of Calhoun's service in the House and in Monroe's cabinet. In 1807, the constitutional period for permitting the slave-trade terminated, and no one dared to propose a revival of this "odious traffic," as Calhoun himself once called it. When the first Missouri bill came up in 1819, Calhoun, being in the cabinet, did not take sides actively, but he mildly favored the compromise. In the debate on the bill the anti-slavery party attacked South Carolina, because her slave laws were more severe than those of any other Southern state, but no Southern members rose to say that slavery was good, although all opposed its restriction by the national government. Reid, of Georgia, correctly expressed the Southern attitude when he said: "Believe me, sir, I am not the panegyrist of slavery. It is an unnatural state; a dark cloud which obscures half the lustre of our free institutions! . . . Would it be fair; would it be manly; would it be generous; would it be just, to offer contumely and contempt to the unfortunate man who wears a cancer in his bosom, because he will not submit to cautery at the hazard of his existence?"

The Southerners felt that the efforts to restrict slavery were leveled at an institution inextricably

interwoven with their very life, and that if the anti-slavery party were successful now, it would later have them at its mercy. The next step would be toward a general emancipation, which would impoverish them and leave them to face a new problem as difficult of solution as slavery itself. The debate in Congress showed that the broad nationalism of which Calhoun was so fine an example was impossible of long continuance, and that the country must soon divide into hostile sections. During the agitation of the Missouri question, he was greatly concerned. He told Adams that he did not think, as some did, that it would cause a dissolution of the Union. If it did, however, he had no doubt that the South would be obliged to form an alliance with Great Britain. What his real views were on the subject he confided to a friend in a letter on August 12, 1820.

"I regret that any pretext should have been given by the Missouri convention, by which an objection might be raised to her admission; but I do hope that all that is virtuous or considerate in the non-slaveholding states, will in any shape discountenance the renewal of so dangerous a question. I can scarcely conceive of a cause of sufficient power to divide this Union, unless a belief in the slaveholding states, that it is the intention of the other states gradually to undermine their property in their slaves and that a disunion is the only means to avert the evil. Should so dangerous a mode of believing once take root, no one can calculate the consequences; and it will be found, that a re-agitation of

the Missouri question will tend strongly to excite such a belief." [1]

When the compromise bill came before the President for his approval, in February, 1821, there was a stormy session of the cabinet over the question of the power of Congress to prohibit slavery in the territories and refuse admission to a slave state. Adams allowed himself the rare luxury of speaking his thoughts and roundly denounced the institution. Calhoun kept silent, but when he and Adams were walking home together, as they often did after the cabinet meetings, he said that he regarded such views on the subject of freedom as just and noble, but that in the South they were considered to apply only to the white race. Domestic labor, he said, was confined to the blacks, and such was the prejudice, that if he, who was the most popular man in his district, were to keep a white servant in his house, his character and reputation would be irretrievably ruined. This condition was attended with many excellent consequences, he thought. It applied not to farming, manufacturing and mechanical labor—he and his father before him had often followed the plow—but to the lower forms of manual labor, the proper work of slaves. No white person could descend to that. And it was the best guarantee of equality among the whites. It produced an unvarying level among them. It did not even admit of inequalities, by which one white man could domineer over another.

[1] To Gallaway. Markoe Papers, Library of Congress MSS.

The questions originally put to his cabinet by Monroe were: (1) Has Congress power to prohibit slavery in a territory? And (2) Has Congress power to prohibit slavery forever in a state when it is admitted to the Union? As the latter aroused contention, Calhoun suggested that the two questions be merged into one: Is the compromise bill constitutional? and to this all answered, Yes.

CHAPTER V

A LOOKER-ON

On March 4, 1825, Calhoun took the oath of office as Vice-President of the United States. He intended to maintain his handsome residence on Georgetown Heights; but in the course of a few months found that he could not do so on his meagre salary, and, his private income being much diminished by the increasing agricultural depression in South Carolina, he definitely abandoned the idea of making Washington other than a place of temporary abode. In the summer of 1826 the serious illness of his son John caused him to hasten the permanent departure which he had planned for the autumn. He broke up housekeeping, sent his furniture South, and took possession of "Clergy Hall," his place at Pendleton, until he should build a house at Fort Hill, which he did shortly afterward. All his private and social interests now centred in his native state. His family comprised four boys and two girls. Sometimes one or two of them and Mrs. Calhoun accompanied him to Washington for the sessions of Congress, but more often he went alone and he never again established himself there. He attended conscientiously to the duties of his office, however, always presiding over the Senate from the

beginning to the end of each session, in this respect offering a contrast to his predecessor, Daniel D. Tompkins, who absented himself from Washington almost continuously while he was Vice-President.

Calhoun did not believe that he had the right to interrupt a senator in debate, or stop him from speaking forever, or call him to order for anything improper which he might say. As he was only the Senate's servant, his conduct must be regulated by the Senate's rules or omission of rules. Accordingly, when the administration's bill for a congress of American nations at Panama was under debate, and several senators abused the administration, he did not check them; and John Randolph of Roanoke let loose upon Adams and Clay a flood of picturesque billingsgate, which caused the President to take up his pen, and, under the assumed name of "Patrick Henry," write an attack on the Vice-President for his refusal to call abusive senators to order. Calhoun replied over the name of "Onslow," and everybody knew who "Patrick Henry" and "Onslow" were. It was a remarkable sight—the President and Vice-President in a joust with visors down, yet hardly trying to conceal their identity. Who was victor is unimportant. Randolph's speeches were those of a drunken man, and he merited rebuke; but Calhoun was contending for a principle. Two years later the Senate made a rule, giving the Vice-President power to call a senator to order for words spoken in debate. Adams might claim a victory, but so might Calhoun, because the Senate by

making the rule implied that the Vice-President had not the power without it. Before the newspaper duel, Adams and Calhoun were lukewarm friends, for the latter would have preferred the election of Jackson, for whom South Carolina had voted, and he did not approve of Clay's selection as Secretary of State, believing the stories of the bargain between him and Adams. Clay thought the Vice-President had encouraged senators to vote against his confirmation as Secretary of State, and hesitated about calling upon him ; but the President and Calhoun maintained social relations. Talebearers, however, told Adams that Calhoun had spoken disrespectfully of the administration, and this, added to his refusal to stop Randolph's speeches, caused the splenetic President to hate the Vice-President most bitterly. Being alone with his diary one day, he confided to posterity this opinion : "Calhoun is a man of considerable talent and burning ambition ; stimulated to frenzy by success, flattery, and premature advancement ; governed by no steady principle, but sagacious to seize upon every prevailing popular breeze to swell his own sails ; showering favors with lavish hand to make partisans, without discernment in the choice of his instruments, and the dupe and tool of every knave cunning enough to drop the oil of fools into his ears."

So Calhoun, having been ostensibly neutral when Jackson and Adams were candidates for the presidency the first time, became an avowed advocate of

Jackson for the succession. His own selection was, of course, impossible. It was plain from the beginning of Adams's administration, that he and Jackson had a score to settle, and that every one else must stand aside; nevertheless, Calhoun's enemies endeavored to destroy him by charging in the House that, while Secretary of War, he had been guilty of corruption in the matter of a contract for work on the ripraps, off Fortress Monroe. He promptly demanded an investigation, and a committee of the House exonerated him from all blame; but the charges were so obviously trumped up that he might safely have ignored them, except for the possible effect they might have on his candidacy for the presidency at some future time.

One reason why Calhoun favored Jackson was that he would probably advocate a reduction of the tariff. When he became Vice-President, the country had a tariff law which was obnoxious to most of the people of his state. It was passed in 1824, and extended the protective principle beyond the point reached by the tariff of 1816, which Lowndes had presented to Congress, and which Calhoun had helped to enact. For the tariff of 1816 feeble interest was felt in South Carolina, and the people being then prosperous, it cannot be said that they approved or disapproved it. When a tariff bill was pending in 1820, the House of Representatives of the state adopted a report which said that the members reprobated the protective system—"above all, when they advert to the consequences likely to re-

sult from the practice, unfortunately become too common of arraying upon questions of national policy, the states as *distinct* and *independent sovereignties*, in *opposition to*, or (what is much the same thing), with a view to exercise a control *over*, the general government."

Calhoun recorded no objection to the tariff of 1824, but a public meeting at Charleston, held while the bill was pending, put forth against it a temperate remonstrance which Hugh S. Legaré and William Drayton, both afterward leading anti-nullifiers, had drawn up. When the bill became a law, the legislature passed a joint resolution declaring it an unconstitutional exercise of Federal power. This was the first formal declaration of the unconstitutionality of the tariff, and was the first announcement on the subject of state rights by South Carolina. It was supposed that Calhoun did not approve of the resolution, for he was then the leader of the Nationalists of the state. The author and mover of it was Judge William Smith, of Pinckneyville, who was at the head of the State Rights party. Because of this, he had been displaced in the United States Senate in 1823 by the election of Robert Young Hayne, who believed in a liberal construction of the Constitution. In 1826 Smith was sent back again in place of William Harper, who was then a Nationalist, the tide having turned. The legislature would doubtless at this time have refused to elect Calhoun to the Senate, if he had been a candidate, on the ground that he was

opposed to state rights. He held a position diametrically the opposite of his position five years later. On June 11, 1823, he wrote that he felt solicitous concerning a vacancy on the supreme bench. "The Supreme Court of the Union performs the highest functions under our system. It is the mediator between the sovereigns, the state [and] general[1] governments; and the actual line which separates their authority, must be drawn by this high tribunal."

When the resolutions of 1824 were passed, Calhoun was a candidate for the presidency, having been nominated in the protectionist state of Pennsylvania, and it was not supposed that he had changed the views which he had announced in 1816. The office of Vice-President offered good shelter from an ordinary tariff storm, but as he sat silently presiding over the Senate, the speeches began to sound an ominous note, and it became apparent that he must soon take a position. He took the same view as his state. He had favored a protective tariff when he thought it would be generally beneficial to the country, and would unite the sections more closely. He was convinced that it had brought depression to the section in which he lived and antagonism between the sections; therefore he now opposed it. His position as a public man was not affected by his private fortunes, but he knew from personal experience that agriculture was depressed, for the revenues from his farms were

[1] Markoe Papers, Library of Congress MSS.

dwindling, and he was in perfect sympathy with his suffering neighbors. On May 4, 1828, just before the adjournment of Congress, he wrote to his brother-in-law and intimate friend, James Edward Calhoun, that the depression was universal in the South, that the tariff was one of the causes, and that if it was persisted in, the South must be reduced to poverty or must make an entire change in its industries. It would have been remarkable if, under the circumstances, he had not changed from a protectionist to an anti-tariff man, for there can be no sentimental attachment to duties on imports. No people ever yet favored an economic policy which they thought was injuring them, and no public man ever favored a revenue law which he thought was injuring the people he represented. South Carolina and Calhoun may have been wrong in believing the tariff a disadvantage to them; but there were the plain facts before their eyes:—that the things which the tariff protected were made in the North, and that their products were not protected; that the North was growing more and more prosperous, and that they were becoming more and more impoverished. Then they got the idea that the North was gaining because they were losing, and was fattening upon them by means of the tariff laws. Upon this conviction was based their determination not to submit to these laws any longer.

South Carolina, having protested against the tariff law of 1824, and having discovered that, being in-

jurious to the industries of the state, it was also unconstitutional, nevertheless acquiesced in its operations; but when another bill making a further advance in the protective rates came before Congress in 1827, the Senate being evenly divided on the question of passing it, Calhoun killed it by his casting vote, this being his first public identification with the anti-tariff party. He might easily have avoided this fateful vote, but he conceived it to be his duty now to take a position. The effect was detrimental to his popularity in Pennsylvania and other Northern states, and he firmly believed that he was deliberately lessening his chances of attaining the presidency. As yet, however, he took no part in the proceedings in his state against the tariff, and there events were rapidly shaping themselves without him.

On July 2, 1827, there was an anti-tariff meeting at Columbia, which the Governor, John Taylor, presided over; but the most important man present was Dr. Thomas Cooper, President of the South Carolina College since 1821, a leader of an important school of thought in the state, a man of rare talent and learning. Thomas Jefferson thought that he was the greatest man in America in the powers of his mind and in acquired information, and John Quincy Adams said: "A learned, ingenious, scientific, and talented madcap is Dr. Cooper." He had fled from England because of political persecution, and was the same Dr. Cooper, who, when he lived in Pennsylvania, had been im-

prisoned for six months for seditious utterances while John Adams was President.

In 1824 he wrote a pamphlet entitled *Consolidation; an Account of Parties in the United States from the Convention of 1787 to the Present Period*, in the course of which he roundly abused Calhoun as the very prince of consolidationists. He was the chief speaker at the Columbia meeting, and wrote the resolutions which it adopted. His economic arguments were as strong as those of any free-trader of the present day, but the importance of his views was in their political bearing: "I have said that we shall ere long be compelled to calculate the value of our Union, and to inquire of what use to us is this most unequal alliance. . . . Is it worth our while to continue this union of states, where the North demands to be our masters and we are required to be their tributaries? . . . The question, however, is fast approaching to the alternative of submission or separation."

The resolutions which he prepared set forth with consummate skill the usual arguments against protection, denied the right of Congress to pass tax laws fostering one industry at the expense of another, and said further that such proceedings were "calculated to bring on the dangerous inquiry," in what manner the Southern states were benefited by the Union.

Checked by Calhoun's casting vote against them in 1827, the protectionists made a vigorous campaign, and the following year succeeded in pushing

through Congress a highly protective tariff bill. It was loaded down with so many objectionable features that it became known as "the bill of abominations." It was received in South Carolina with almost universal disapproval, the only question being the form which this disapproval would take.

One of the most effective and uncompromising opponents of the protective principle in Congress was George MacDuffie, who represented the Colleton district of South Carolina. In speech he was ready and bold—not to say violent. He was a man of domineering, irascible temper, a cripple from a wound he had got in a duel. He had great natural gifts, and had received the best education his state afforded, having gone to Dr. Waddell's school a few years after Calhoun, and having graduated with first honors from the South Carolina College. Like Calhoun he began his public life as a consolidationist. The two men were bound by personal ties, for when MacDuffie was a poor boy Calhoun's kinsman, William Calhoun, made him his protégé and paid for his education. He became one of the leaders of the nullification forces, but he never believed that nullification was a constitutional remedy. He embraced it as a revolutionary measure. What his beliefs had been we shall presently see.

The tariff bill of 1828 having become a law, MacDuffie's constituents held a public meeting at Edgefield to give expression to their feelings. The

resolutions that were adopted, said: "The constitutional grounds upon which our fathers resisted the pretensions of the British crown are weak and trivial, when compared with those upon which we stand;" and, calling upon the memory of the men of the Revolution, they urged immediate and forcible resistance to the tariff law. Later they gave a dinner to MacDuffie at which the speeches and toasts reeked with rebellious sentiments.

A month later (August 14, 1828), there was a public meeting at Columbia, which was not so unanimous as the Colleton meeting, for there were several men in it who counseled moderation, among them Governor John Taylor and David R. Williams, formerly governor and United States senator. Williams pleaded with the people to pause. "There was not a man among us," he said, in his speech, "who did not pronounce the Hartford Convention a traitorous association; indisputably it becomes us to look well to it, that we do not tread in the very footsteps which we have denounced with so much bitterness;" and he pointed out the utter folly of forcible resistance to the general government. The opening clause of the address reported to the meeting, which expressed fidelity to the Union, was carried by a majority of only two votes.

Calhoun was still a looker-on, and privately endeavored to mitigate the portent of the events in which he played no part. What was passing through his mind, as his party was rushing past him, was

how he could bring into constitutional form the sentiments which were plainly developing without thought of constitutional restraint. Thus far there had been no serious effort to make the Constitution fit these sentiments. The citizens of Edgefield and Columbia were straining their loyalty but not their intellects. On August 26, 1827, Calhoun wrote confidentially to James Edward Calhoun that the tariff was erecting sectional differences, and said of those who were remonstrating against it, "I do trust that they will not be provoked to step beyond strict constitutional remedies." A year later he wrote to Monroe, on July 8, 1828, telling him an excess of feeling over the tariff was being shown in the staple producing states, but that the great body of the people were loyal to the Union. For himself he could see no check on such abuses by Congress as the tariff, except by fastening responsibility and by fresh elections, and this remedy was not sufficient. Our system of government was certainly going wrong, and if an effective cure was not soon applied, there would be disaster. It was dangerous to have the country divided into sections on every great subject, and the parties would become dangerous, when, by a general law, the interests of the majority were advanced by sacrificing those of a large minority. The effectual remedy was not formed in his mind when he wrote this letter; he was not yet the scientific nullifier.

He clung as long as he could to the hope that Jackson's election would produce a change. He

wrote to the General on July 10, 1828: "The belief that those now in power will be displaced shortly; and that under an administration formed under your auspices, a better order of things will commence, in which an equal distribution of the burdens and benefit of government, economy, the payment of the publick debt, and finally the removal of oppressive duties, will be primarily objects of policy is what mainly consoles this quarter of the Union under existing embarrassment. That your administration may be the means of restoring harmony to this distracted country and of averting the alarming crisis before us is my sincere prayer."[1]

The opposition to the tariff in South Carolina, where there were no protected interests, was general, but there was a small body of men of high standing who still favored a protective policy, as Calhoun had done. The belief that the law was unconstitutional was also general, but there was a large minority who thought it to be constitutional although unjust. The party of which MacDuffie and Cooper were exponents was not in the beginning of the agitation in the majority, but it was ably led by skilled politicians and the opposition lacked trained leaders.

After the anti-tariff meeting at Columbia, the Union and State Rights party was formed and from Charleston issued an address proclaiming devotion to the Union. This address had numerous signers, all men of substance and high standing, among

[1] Blair Papers, Library of Congress MSS.

them Thomas Lowndes, a relative of the lamented William Lowndes; Benjamin Faneuil Hunt, a Bostonian by birth, a prominent member of the bar and a pupil in his youth of John Quincy Adams; Theodore Gaillard Hunt, a leader among the young men, afterward a distinguished representative in Congress from Louisiana; Hugh S. Legaré, the most accomplished literary man of the state, later Attorney-General in Tyler's cabinet; Thomas S. Grimké, a leader of the bar, an uncompromising zealot, who followed fearlessly wherever his conscience led him; Joel R. Poinsett, who became Van Buren's Secretary of War, a veteran in public life, and almost the only one of the Unionist leaders having experience in political warfare; William Drayton, representative in Congress, a foster-brother of Robert James Turnbull, one of the most extreme of the expounders of the doctrine of state supremacy; and James Louis Petigru, a giant intellect, towering above his associates, one of the greatest minds of his time. He had had as his partner in the practice of law, James Hamilton, Jr., who first announced the doctrine of nullification from the stump.

When the legislature met for the session of 1828–29, the Union forces made a gallant stand against the proposition to call a state convention to consider the tariff, and to devise means of accomplishing its repeal, or of resisting it; for there was no doubt that such a convention would follow the example set by the Edgefield and Columbia meetings. Accordingly, Legaré introduced in the House conciliatory

resolutions protesting against the tariff, but disapproving of the call for a convention. Grimké followed with resolutions declaring that the tariff law was not a breach of the Constitution, but that, as the legislature had on a former occasion declared it was, the dignity of the state required it to imitate the example set by Virginia in 1798 and to apply to the other states to join in asking Congress for a declaratory or restrictive amendment to the constitution. The legislature adopted neither Grimké's nor Legaré's motion, but fastened its attention on the expected report of the Committee on Federal Relations. A member of that committee, William C. Preston, afterward a United States senator, had obtained from Calhoun a report, which the committee presented to the House, and this was the great *Exposition of 1828*.

Congress had adjourned on May 26, 1828. Calhoun hastened to return to Pendleton, and from that time on had earnest consultations with leading opponents of the tariff in his state. He was not, as we have seen by his letter to Monroe, a nullifier in July, but in the two following months he worked out the theory; for on October 21st, James Hamilton, Jr., a representative in Congress, who had been in conference with Calhoun probably more intimately than any one else, made a speech to his constituents at Walterborough in which he announced the doctrine of nullification, and the idea must have come from Calhoun.

The Exposition addressed itself to the iniquities

of the tariff and the constitutional mode of avoiding them, but more than the tariff was back of it and more than the tariff was in the mind of the man who wrote it. In a letter to Virgil Maxcy, September 11, 1830, he said he had not interfered in the contest in the state, "*except so far as might seem advisable to direct the eye of the state to the Constitution, instead of looking beyond it, for the redress of its wrongs.*"

He said further:

"My friends out of the state, seem to think, at least many of them, that another duty is imposed on me, to step forward in order to arrest the current of events. They appear to take it for granted, that it is in my power. In this they make a great mistake. In my opinion there is but one man in this Union, who can quiet the state;—I mean the President of the United States. If he were to come out decidedly in his message to Congress, recognizing the justice of the complaints of the South, and throwing his weight without equivocation on the side of equalizing the burdens and benefits of the Union, the state would undoubtedly pause, in the hope of redress by the general government; but for me, who have so little control over its movements, to attempt to stay the present current, were I so inclined, would, under my impression, be almost an act of madness. . . .

"If I really believed that civil discord, revolution, or disunion would follow from the measures contemplated, I would not hesitate, devoted to our system of government as I am, to throw myself in the current with the view to arrest it at every hazard; but believing that the state, while she is struggling to preserve her reserved powers, is acting

with devoted loyalty to the Union, no earthly consideration would induce me to do an act, or utter a sentiment, which would cast an imputation on her motives. . . .

"I consider the tariff but as the occasion, rather than the real cause of the present unhappy state of things. The truth can no longer be disguised, that the peculiar domestick institution of the Southern states, and the consequent direction, which that and her soil and climate have given to her industry, has placed them in regard to taxation and appropriation in opposite relation to the majority of the Union; against the danger of which, if there be no protective power in the reserved rights of the states, they must in the end be forced to rebel, or submit to have their permanent interests sacrificed, their domestick institutions subverted by colonization and other schemes and themselves and children reduced to wretchedness." [1]

The legislature listened to the Exposition eagerly. In 1824 it had declared the tariff of that year to be unconstitutional; and in 1827, as we shall presently see, it had announced the extreme doctrine of state sovereignty. Many anti-tariff meetings had been held in different parts of the state and resolved that the tariff law was too grievous a burden to be borne. Resistance had been decided upon; here was an easy way to resist. Disunion and revolution had been threatened; here was the way to avoid both. Here was a path carefully laid down which those who followed were to know as the only true way, and they were to have the proud consciousness of being the

[1] Markoe Papers, Library of Congress MSS.

only people who had ever understood the meaning of the Constitution and the government under which they lived. They now had a program and they now had a leader. Calhoun was no longer a looker-on.

CHAPTER VI

SOURCES OF THE CALHOUN DOCTRINE

"[CALHOUN] has invariably deprecated refined subtleties and far-fetched constructions, contending that as the Constitution was intended for the *people*, it ought to be construed by the plain and obvious maxims of common-sense. It is to politicians of a widely different character that we are indebted for those lawyer-like refinements which will carry the Constitution in either direction to any extent, even to the confines of anarchy and rebellion." This passage is found in a South Carolina newspaper of 1822;[1] and the writer then drew a contrast between the statesmen of South Carolina and those of Virginia. "The former believe that when all the departments of the general government have affirmed the constitutionality of an act of Congress, no state has a right to oppose it by penal laws any more than certain other states had a right to oppose, positively or negatively, the late war with Great Britain; whereas, the latter contend that a state, being sovereign, has a right to decide for herself whether the general government has exceeded its power or not, and to refuse to yield obedience to its laws accordingly."

The article was unjust toward the Virginia statesmen, who never declared that a single state had

[1] *Southern Patriot and Commercial Advertiser*, February 19.

a right to order disobedience to a law of Congress; but the writer had a fair idea of what came to be known as "nullification," and undoubtedly spoke with knowledge when he said that Calhoun would have none of it.

Much academical discussion of the meaning of the Constitution had been aroused at this time by the publication, in 1821, of Yates's *Minutes of Debates in the Constitutional Convention.* The *Southern Patriot and Commercial Advertiser*, of Charleston, said on August 28th of that year:

"Let us be assured of the ground on which we stand; and whether any number of the states constituting less than a majority of the people of the Union, have a right to declare the Constitution violated whenever they may consider their rights infringed. . . . Let the people resume the power granted whenever it be abused, *but let no single state assume the extravagant pretension of judging of such abuse under the plea of defending the sovereignty of the states.* . . . A single state, therefore, or any number, comprising less than a majority of the people of the United States, can have no right in good faith to release themselves from the compact by which the whole are bound to submit in certain cases to the decisions of that tribunal [the Supreme Court].

"If a majority of the people of the Union conceive this court tyrannical, let them say so. . . . But until this manifestation of popular feeling takes place, we hold it to be the duty of the minority, whether consisting of one or more states, to submit in silence, because there can be no case of flagrant tyranny or wrong."

In 1821 MacDuffie wrote a series of newspaper articles which were afterward printed as a pamphlet entitled, *A Defense of a Liberal Construction of the Powers of Congress*, several paragraphs of which must be quoted. "You assert that when any conflict shall occur between the general and state governments, as to the extent of their respective powers, 'each party has a right to judge for itself'! I confess I am at a loss to know how such a proposition ought to be treated. No climax of political heresies can be imagined, in which this might not fairly claim a most conspicuous place." He illustrated his point by imagining the very case which afterward arose. "Suppose Congress should pass a law to 'lay and collect taxes, duties, imposts and excises,' and that a state legislature should pass another, declaring the objects for which the revenue was intended unconstitutional, and therefore prohibiting the officers of the general government, by severe penalties, from collecting 'taxes, duties, imposts, and excises' . . . I need not multiply cases; for if you will duly consider these, you will find enough to satiate your keenest relish for anarchy and disorder." In one place he exclaimed: "The several independent sovereign states control the general government! This is anarchy itself." It is interesting to know that James Hamilton, Jr., expressed his full approval of MacDuffie's sentiments.

As the anti-tariff movement grew, it was, of course, reflected in many newspaper articles, the

most important of which was a series in the Charleston *Mercury* in 1827, entitled "The Crisis" and signed "Brutus." They were written by Robert J. Turnbull and were issued in pamphlet form as soon as they had run through the newspaper.[1] Their circulation was large, and they undoubtedly hastened the progress of events. They drove the doctrine of state sovereignty and state supremacy through all the proud paces of which it was capable, except one. The author never presented his readers with a sight of the theory of the right of nullification. Apparently he knew nothing of it or thought nothing of it. What he preached was something simpler and more easily understood. He said his "feelings were more *sectional* than *national*," and added: "I believe that to the predominance of these feelings above all others, we are in future to look for the preservation of Southern interests and Southern safety." Approaching the matter from this point of view, he found that South Carolina was becoming to the North what Ireland was to England. "Let Congress beware," he said, "how it approaches us with the tariff, or it will tread upon the RATTLESNAKE of the South. It is slow in its resistance, GENEROUS in its warning, but may be DEADLY in its BLOW." So far as the question of slavery was concerned, "Brutus" said that South Carolina ought to withdraw from the Union the very instant Congress should touch the subject as an evil.

[1] *The Crisis: or, Essays on the Usurpations of the Federal Government*, by "Brutus."

Resistance and disunion were the remedies which he advocated. He wanted the legislature to remonstrate solemnly, and bring the remonstrance to the attention of Congress in a manner so imposing as to make that body understand that persistence in its policy would cause the state to withdraw from the Union. "Brutus" praised Judge William Smith's resolutions of 1824, and said that he regarded them as a triumph over Calhoun's politics. He placed the blame for the rapid advance of the government toward consolidation upon the administration of Monroe, and upon Calhoun as a part of it, and spoke of the latter's report in 1818 on military roads and canals as a "magnificent sarcophagus," in which he had put a doctrine of Federal power that he had disinterred from a long-forgotten grave. He said that he admired Calhoun, but regarded his political beliefs with disapproval. He used up many pages in refuting the consolidation arguments of George MacDuffie. He praised Hugh S. Legaré for his answer to MacDuffie in 1825, and William Drayton for opposing the theory that the tariff was constitutional.

The papers of "The Crisis" were all intemperate and inflammatory; some were painfully brutal, and in places the author completely lost his head in the torrents of his rage. The Union party looked upon his fulminations with dismay, knowing their fatal effect, if they should be accepted by the people of the state. The legislature, meeting soon after the last article had appeared, was influenced by it,

and adopted on December 19, 1827, a report generally coinciding with Turnbull's views, but announcing them with less heat. It was, in fact, written by Turnbull although introduced by Dr. Ramsay. As to state sovereignty, the report said: "Each state having entered into the compact as a sovereign body, and not in conjunction with any other state, *must judge for itself whether the compact has been broken.*" The Supreme Court, it declared, was not an impartial tribunal in questions affecting the sovereignty of the states. There was, moreover, a peculiar propriety in a state deciding when the Constitution should be violated *in its spirit* and not in its letter, because in such a case no court could give relief.

Turnbull had said as much in his articles, and the report also followed "The Crisis" in aiming a fierce blow at Congress for extending "its legislation to the means of ameliorating the condition of the free colored or slave population of the United States." This, it said, "is a subject in which there can be no reasoning between South Carolina and any other government. It is a question altogether of *feeling.*" "It is a subject on which no citizen of South Carolina needs instruction—our common feeling inspires us all with a firm determination not to submit to a species of legislation, which would light up such fires of intestine commotion in our borders, as ultimately to consume our country." The matter was dismissed as one that ought not to be discussed.

No one wrote extensively in favor of state sovereignty who did not give as one reason for invoking it the danger to which the state would be exposed by national efforts at emancipation. When the tariff laws, which were supposed to injure its prosperity, were most stubbornly resisted, there was always manifest a reserve determination of resisting anti-slavery legislation to the death, because it was believed that this would bring hideous ruin upon the people of South Carolina.

After the doctrine of nullification became a matter of universal discussion in South Carolina, students of precedent found a number of interesting cases in which it had been announced or practiced in other parts of the country :—in 1792, in the matter of the Supreme Court decision in the case of Chisholm *versus* Georgia, when the state of Georgia refused to obey the decree of the court, from which conflict resulted the constitutional amendment that the judicial power of the United States should not extend to any suit in law or equity against a state ; in 1809, when Judge C. J. Tilghman of the Supreme Court of Pennsylvania in the Olmstead case declared that when the general government clearly exceeded its powers, the state courts could give redress ; in the same year, when the Massachusetts legislature declared the embargo acts "not legally binding on the citizens of this state"; in the same year in Connecticut, when the legislature declared it could not give effect in that state to the embargo acts; and in 1820 when the legislature

of Ohio declared against the right of the Bank of the United States to do business in that commonwealth.[1]

The most important precursors of the nullification doctrine, however, were the Virginia and Kentucky Resolutions of 1798–1799, and the Hartford Convention of 1814, the former being resolutions passed by the legislatures of the two states mentioned, and the latter a meeting of delegates whose election was provided for by the legislatures of Rhode Island, Connecticut and Massachusetts, while the people of two counties in New Hampshire and one in Vermont also sent delegates, although the legislatures of these states had not made provision for their doing so.

The moving cause of the Virginia and Kentucky Resolutions was the passage by Congress of two remarkable acts, one known as the Alien Law, approved June 25, 1798, and the other known as the Sedition Law, approved three weeks later. The Alien Law gave the President power to order all aliens whom he might judge dangerous to the peace and safety of the United States, or might have reasonable grounds to suspect of treasonable or secret machinations against the government, to depart out of the territory of the United States within such time as he might name. If an alien, after being ordered to leave, should be found at large in the limits

[1] Hampden (Cruger) in the Charleston *Mercury* in 1831, afterward reprinted in *The Genuine Book of Nullification*, Charleston, 1831.

of the republic, he might be imprisoned for not more than three years and be forever barred from becoming a citizen of the United States. This act conferred upon the President despotic power, which all Republicans believed was not contemplated by the Constitution and was repugnant to it. The Sedition Law provided for punishment by fine and imprisonment of any one who should "write, print, utter or publish," anything false, scandalous and malicious against the government, either house of Congress, or the President. The act was broad enough to furnish the general government with complete power to muzzle the opposition and destroy that freedom of pen and speech which the Constitution specifically guaranteed. No popular demand had been made for the passage of these laws, and the policy which they involved had not the benefit of public discussion. They came as a surprise, and Republicans believed they were only the first steps in a progress toward centralized power which would destroy the rights of the states and render nugatory the guarantees of the Constitution.

Where was the opposition to turn for relief? The Executive had cheerfully approved the bills and made them into law. There was open, perhaps, an appeal to the Supreme Court to declare the laws unconstitutional; but would it have been wise to stake the question of final submission to such laws and the principle they involved upon the issue of a suit before the Supreme Court as it was then constituted? To judge the prestige of the court of

1798 by our knowledge of the court for the past one hundred years, is to fall into a fatal error; for until John Marshall became Chief-Justice in 1801 and started it on its separate career, it was held in doubtful estimation, and neither deserved nor received non-partisan confidence where party questions were involved. When the Alien and Sedition Laws went into effect, Oliver Ellsworth was the Chief-Justice. He had been the leader of the Federalists in the Senate when appointed to the bench three years before. The Judges were James Iredell, who led the party in North Carolina; Samuel Chase, of Maryland, who adhered to it openly, actively, even furiously, while still on the bench; William Cushing, of Massachusetts, and William Paterson, of New Jersey, also Federalists. That the court had a right to declare an act of Congress not affecting the judiciary unconstitutional and consequently void was generally believed, but not yet finally determined. That the court would never assert the right, if it could possibly avoid doing so, was well understood, and had been stated by Judges Iredell and Chase. The body was composed of shifting elements, and it was difficult to induce eminent lawyers to serve in it. It was a semi-political, wholly Federalist body, the first Chief-Justice, Jay, acting as Secretary of State and Minister to England while he was on the bench, and his successor, Ellsworth, going out as Minister to France soon after his accession. It has been said that this was the time "when the politicians—or statesmen—of that day bivouacked

in the chief-justiceship on their march from one political position to another."[1] Samuel Chase broke the quorum of the court in 1800, while he traveled about making political speeches.

In 1817, soon after his retirement from the presidency, James Madison told William Lowndes, of South Carolina, that he had been more agreeably disappointed by the beneficial operation of that part of the Federal Constitution which related to the judiciary than by any other.[2] The development of the Supreme Court's functions and powers had come as a surprise to the father of the Constitution.

Calhoun's opinion of the functions of the court was admirably put by him in a private letter of September 1, 1831 :

"The question is in truth between the people and the Supreme Court. We contend, that the great constructive principle of our system is in the people of the states, and our opponents that it is in the Supreme Court. This is the sum total of the whole difference ; and I hold him a shallow statesman, who, after proper examination does not see, which is most in conformity to the genius of our system and the most effective and safe in its operation."[3]

On March 13, 1830, when he was a senator from Louisiana and an uncompromising opponent of the doctrine of nullification, Edward Livingston, in a

[1] John M. Shirley, quoted in Carson's *Supreme Court of the United States*, Vol. 1, p 192.
[2] *Life of William Lowndes*, by Mrs. Ravenel, p. 200.
[3] To Maxcy. Markoe Papers, Library of Congress MSS.

speech on the "Foot Resolutions," enumerated five remedies open to a state, when it believed that a law was palpably unconstitutional, and after the Supreme Court had affirmed it. It might be met, he said, first, by remonstrating to Congress against it; second, by an address to the people, urging them to instruct their representatives to have the law changed; third, "by a similar address to the other states, in which they will have a right to declare that they consider the act as unconstitutional and therefore void;" fourth, by proposing amendments to the Constitution; and fifth, by a resort to "the natural right which every people have to resist extreme oppression." It was the third of these remedies that Kentucky and Virginia invoked against the Alien and Sedition Laws, without waiting to have them affirmed by the Supreme Court,—an affirmation which there is no reason to doubt would have been given. The resolutions, written by Madison and passed by the Virginia legislature, repeated the constitutional arguments against the laws which had been brought forward in the course of the debate in Congress, and, declaring them "palpable and alarming" infractions of the Constitution, appealed to like dispositions in other states for similar declarations. The pith of the Virginia doctrine was contained in the third resolution:—"In case of a deliberate, palpable, and dangerous exercise of other powers not granted by the said compact [the Constitution], the states, who are parties thereto, have the right and are in duty bound to interpose for ar-

resting the progress of the evil, and for maintaining within their respective limits the authorities, rights, and liberties appertaining to them."

The New England states and New York and Delaware having replied in dissent, the Virginia legislature in the following year, adopted an explanatory report which was also written by Madison. It set forth that the resolutions had reference to "those great and extraordinary cases in which all the forms of the Constitution may prove ineffectual against infractions dangerous to the essential rights of the parties to it," and insisted that, without some remedy, the subversion of the government became complete, when the judiciary concurred in an unconstitutional act. It is hard to find good reasons, under the circumstances, for taking exception to these resolutions and the report; and their author and the few of his contemporaries who were surviving when the nullification movement appeared, protested vigorously against the attempt to fasten the nullification doctrine upon them as a legitimate outgrowth.

They also protested against a similar attempt in the case of the resolutions of the legislature of Kentucky, adopted a few weeks before the Virginia Resolutions and supplemented the following year by explanatory resolutions. They were written by Thomas Jefferson, amended by John Breckinridge, and one of their youthful supporters was Henry Clay.[1] Following the same line of thought as the

[1] Warfield, *Kentucky Resolutions of* 1798, p. 43; also *Works of Henry Clay*, Vol. 401.

Virginia Resolutions, they were, however, more radical, for they declared "that the several states who formed that instrument [the Constitution], being sovereign and independent, have the unquestionable right to judge of its infraction; and that a *nullification* by those sovereignties of all unauthorized acts done under color of that instrument, is the rightful remedy." Here was the use of the dread word; but if what was meant was that the states had a right to declare an obnoxious law unconstitutional, null, void and of no effect, Kentucky said only what Virginia had said. If, on the other hand, what was meant was that a state—*one* state—might nullify an obnoxious Federal law within its borders, then Kentucky was the parent soil of the nullification doctrine of South Carolina.

Both the Kentucky and Virginia Resolutions contained strong professions of devotion to the Union, and no threats of withdrawal from it, and were at most mere tentative manifestoes, neither calling for nor contemplating immediate action. Whether or not the Alien and Sedition Laws which drew them forth were palpable violations of the Constitution may admit of doubt;[1] there can be no doubt, how-

[1] The Supreme Court in 1892 confirmed the constitutionality of the Chinese deportation acts and the decision can be taken inferentially as supporting the alien act of 1798. The decision was by a bare majority, the Chief-Justice and two Associate-Justices dissenting, while another Associate-Justice was abroad and did not participate in the case. Mr. Justice Field said in his dissent that it was beyond dispute that the alien law of 1798 had ever since its passage "been the subject of universal condemnation." See U. S. Reports, 149, p. 698, *et seq.*

ever, that they were tyrannical and unjust, and ordinary constitutional methods being insufficient to protect the people from them, to propose extraordinary action by the parties to the Constitution was not improper. Although John Adams approved the Alien Law, he never put it into effect; but, under the Sedition Law, at least five persons were convicted, fined, and cast into jail like common felons, among them Dr. Thomas Cooper. The partisan writings whereon this action was founded, were neither scurrilous nor vituperative, and did not differ in tone from political utterances in times of bitter partisan warfare which now go unnoticed.

The old Federalist party went down in defeat, torn asunder by contending factions and loaded with the odium of the Alien and Sedition Laws; and no party or faction has ever dared to revive the policy which those laws represented. The men who were responsible for them were cast in a conservative mold, were for the most part of superior education and social position, and were fatally trammeled by their ancestral English traditions. As the measures which they had passed when they held control of the government caused opposition that took the form of the radical suggestions of Virginia and Kentucky, so in their turn they were roused to extraordinary action fourteen years later by their opponents' policy. The acquisition of Louisiana and the admission into the Union of several agricultural slaveholding states left the commer-

cial states of the North at the South's mercy, and the Hartford Convention expressed the opinion that it was unconstitutional to admit new states into the Union. Unconstitutional also, it said, was the embargo against commerce, which was destructive of New England's chief source of wealth. So was the call of the President upon the governors of the states for troops to serve under Federal officers. In the long report which the convention gave to the world, these and lesser grievances were elaborately set forth. On the subject of separation from the Union, the report said that this was not the proper time for it. It might be, it went on, that existing evils would become permanent, and if so "a separation, by equitable arrangement, will be preferable to an alliance by constraint, among nominal friends, but real enemies." "But a severance of the Union by one or more states, against the will of the rest, and especially in a time of war, can be justified only by necessity." "That acts of Congress in violation of the Constitution are absolutely void, is an undeniable position. It does not, however, consist with respect and forbearance due from a confederate state toward the general government, to fly to open resistance upon every infraction of the Constitution, affecting the sovereignty of a state, and liberties of the people; it is not only the right but the duty of such a state to interpose its authority for their protection in the manner best calculated to secure that end. When emergencies occur which are beyond the reach of the

judicial tribunals, or too pressing to admit of the delay incident to their forms, states which have no common umpire, must be their own judges, and execute their own decisions." The last two sentences were an adaptation from the Virginia Resolutions, with the idea of interposition by a single state definitely substituted for that of concurrent interposition by several states.

The report of the convention represented the extreme of moderation felt by the members, and the calm discussion of secession was creditable, when it is remembered that it had been seriously considered by leading New England Federalists for ten years before the convention was called. They felt themselves bound to the Union by a slender thread, and showed that they were not unwilling to break it if uncomfortably pressed. In 1798 the Republicans were opposed to the threatened war with France. If it had been declared and especial hardships had in consequence fallen upon the Republican states, their loyalty to the Union would have been tested as the loyalty of the New England states was tested by the war with England, and would probably have stood the strain no better.

Calhoun declared, after he had become the putative father of the nullification theory, that it was regarded as a new and strange doctrine; but that he had not gone an inch beyond the Virginia and Kentucky Resolutions. The nullification theory was a development, coming from the brains

of men who were seeking a way to avoid laws which they did not like, and was built upon precedents which were susceptible of being made a foundation for it. Many people in South Carolina had been discussing it for years and understood it fairly well when they were opposed to it. In his speech on the Force Bill in 1832, Calhoun said that after the tariff began to weigh heavily on the people of his state, they started to look into the reserved powers of the states under the Constitution to see if they could not find relief there. He also said that whenever a law was proposed, the first question should be, Is it constitutional? And the second, Is it expedient? But the opposite method of reasoning had prevailed in South Carolina, as it always has prevailed elsewhere; and if the law is expedient, the powers granted by the Constitution to the general government are examined with a view to finding them sufficient.

Calhoun's Exposition went beyond Kentucky's Resolutions, because it accepted as certain the doubtful point as to whether or not they ever contemplated interposition by a single state; and with the Virginia Resolutions it really had nothing in common. We have seen that Grimké invoked the Virginia plan in his efforts to save the state from nullification, and that Edward Livingston, who was soon to write Jackson's proclamation against nullification, pointed to the Virginia plan as a proper mode of meeting unconstitutional acts of Congress; but the doctrine of nullification assuredly did not

go far beyond the pronouncement of the Hartford Convention.

It is time, now, to consider what this doctrine, as Calhoun developed it, really was.

CHAPTER VII

THE CALHOUN DOCTRINE

About 1843, fifteen years after the Exposition had appeared, Calhoun began to write out in final form his views on government in general, and, working at it intermittently, he finished the essay to his satisfaction in five years' time. He called it *A Disquisition on Government.* He also prepared *A Discourse on the Constitution and Government of the United States*, but this essay was still without the finishing polish when he died. The two essays together constitute the elaboration of the doctrine which he began to preach in 1828, but do not differ from it. He never faltered after writing the Exposition, and every act and thought of his public life had as its one great aim the inculcation of the faith which was in him.

How did it happen that this former advocate of a strong centralized government had now become a believer in state sovereignty? As long as he saw his state profiting by national laws he did not fear them, and had no reason to question the right to make them. But when he perceived his state suffering because of these laws, he began to inquire into the power of the national government to enact them, and from this inquiry resulted his

espousal of a new creed. He himself gave this explanation of his course and there is no reason to doubt that it is correct. Circumstances influenced his belief, as they have influenced the beliefs of all political leaders of all times.

The key-note to the *Disquisition on Government* is that government simply of the majority always results in despotism over the minority, unless each class or community in the state has a check upon the acts of the majority, so that all acts of government shall be concurred in by all classes and interests. Government with such concurrence he called government by the concurrent majority. As an extreme instance of it, he cited the case of Poland, where the election of the Kings was required to be by the unanimous vote of the nobles and gentry present in an assemblage usually numbering from one hundred and fifty to two hundred thousand, and where every measure of government must be approved by every member of the Diet. This strange system lasted in form for two centuries. He also instanced the Roman republic, where the tribunate had the right to veto the passage of all laws and prevent their execution ; and so well did the system work that the proudest title in the world was that of Roman citizenship. The Disquisition is a model of severely close and accurate reasoning, built up flawlessly from the premise that our individual are stronger than our social feelings, since self-preservation is a fundamental law of nature. Those who administer government have, conse-

quently, a natural tendency to use their power to their own advantage and to the oppression of others; and the problem of government is to devise means to counteract this peril and construct "such an organism as will furnish the ruled with the means of resisting this tendency on the part of the rulers to oppression and abuse."

The generalizations of the *Disquisition on Government* Calhoun made immediately applicable in his *Discourse on the Constitution and Government of the United States.* "Ours," it says, "is a democratic federal republic,"—democratic, because the people are the source of all power,—federal, because it is "the government of a community of states, and not the government of a single state or nation." Under the Constitution the states should be as free, independent and sovereign, as they were under the Articles of Confederation. If the Constitution intended otherwise, then the convention framing it practiced deliberate deception by employing misleading phraseology. Geographically it was correct to speak of our continent as the United States; but politically the continent was composed of separate states not constituting a nation, and it was incorrect to speak of the "national government." The Constitution was established by the states and for the states, but not over the states. The object sought was to secure a more perfect and stronger union than existed under the old government; not completely to destroy that union and put in its place something stronger than the states creating it.

It was nonsense to say that the states were federal as to the reserved powers of the Constitution and national as to the delegated powers. The term "delegated" was sufficient proof of this, for it meant that the powers were given in trust for the states, the parties to the Constitution. "Sovereignty is an entire thing; to divide it is to destroy it."

Before the Revolution the Colonies had been entirely separate one from another, and when they threw off the British yoke they became independent sovereignties. For their mutual benefit they entered into a limited union for certain specified purposes, and when this proved ineffective they determined upon a change. "To dissolve the union was too abhorrent to be named;" "but if disunion was out of the question, consolidation was not less repugnant to their feelings and opinions." There had, however, been a contest between state forces and consolidation forces as soon as the Constitution was formed, and the latter had gained ascendency through the "federal majority,"—that is, by a majority in a majority of the states,—and power had become centred in one section of the country. Oppression had resulted. It could not be counteracted by resolutions, remonstrances against laws as unconstitutional, addresses to co-states calling on them to coöperate in opposition, or instructions to senators and requests to representatives. All these were impotent to check the encroachments of the general government upon the

reserved powers of the states. The only remedy was to be found in an absolute negative on Federal measures by each state.

The states must be the judges of their own powers; the Federal government could not judge their powers for them. If they were equal sovereigns, how could one judge for the other? The real seat of sovereignty was in the people of the several states. The Constitution was the supreme law over individuals, and they might be guilty of violating it; but between the states it was merely a compact and a state could violate it only as a compact—that is, an agreement between parties. Each state had established the Constitution over its citizens and commanded them to obey it.

When the Federal government committed an act not warranted by the Constitution, each state, being sovereign and a party to the compact, had a right to declare the act void. This right was one of great responsibility, and must not be exercised except in case of a violation not only palpable but highly dangerous. Then it became a duty which a state owed not merely to itself but to the Union. It was the only effective security against a violation of the compact by the United States government. It might be said that the states would be apt to abuse their right of interposition. Would their regard for prudence and propriety be a security against such abuses? No; but fear of political consequences would; for a majority party in a state would hesitate to take action involving the risk of incurring

odium in the country at large, and the resultant danger of losing popular support at home and of being turned out of office. If the exercise of the power of negative by a state would cause derangements and disorders, a remedy would be found in the right of amending the Constitution.

If a conflict of opinion arose as to an act, the state arresting its operations within its borders must be presumed to be right, because the powers of the general government are strictly defined and those of the states embrace the whole mass of other powers. It was the general government, therefore, which must prove its right in case of a conflict. If it were not so, the Federal government could usurp power as far as it chose. But if the Federal government took an appeal and a constitutional amendment was carried against an opposing state, the state must acquiesce and the obnoxious act must become operative within its borders, unless the act transcended the limits of the amending power and was inconsistent with the character of the Constitution, in which case it would not be bound to acquiesce, but might choose the alternative of secession from the Union. If the state did acquiesce, it would be necessary for it to rescind the state law which declared the Federal law unconstitutional; until it did so, the state act would be binding upon its citizens.

As for the Supreme Court, it was never intended that it should have the power to review a decision of a state court in cases involving construction of

the Constitution, and the judiciary act of 1789 granting it such authority was unconstitutional. A state court had as much right to review a decision of the Supreme Court. Each was supreme in its sphere and coequal and coördinate. The judges of the Federal Supreme Court would always have a tendency to decide a case so as to please the majority in power. Some of them would be ambitious to succeed to the presidency; they would stand in fear of the power of impeachment; vacancies in the court would be filled by judges with opinions known to coincide with those of the ruling party. Therefore reliance on the judiciary in case of oppression must prove illusive. The state judges were sworn to support the Constitution of the United States, and could be better trusted to observe its terms, than could the Federal judges be trusted to guard the reserved powers of the states, since they were not sworn to support the state constitutions. Under any circumstances, if an act was constitutional, the court could not enquire into its unconstitutional objects.

The foundation for the departures from the true intent of the Constitution had been laid in the First Congress, when measures were passed designed to change the government from a Federal to a national one. Later the culmination was reached in the passage of the Alien and Sedition Laws, which provoked the action of Kentucky and Virginia against them. That action was sound, and upon the principles then announced Jefferson rode into power,

and much had been expected of him; "but he did nothing to arrest many great and radical evils; nothing toward elevating the judicial departments of the governments of the several states, from a state of subordination to the judicial department of the government of the United States, to their rightful, constitutional position, as coördinate; nothing toward maintaining the rights of the states as parties to the constitutional compact, to judge, in the last resort, as to the extent of the delegated powers; nothing toward restoring to Congress the exclusive right to adopt measures necessary and proper to carry into execution its own, as well as all the powers vested in the government, or in any of its departments; nothing toward reversing the order of General Hamilton, which united the government with the banks; and nothing effectual toward restricting the money power to objects specifically enumerated and delegated by the Constitution." The reasons why Jefferson had done none of these things were that many of Hamilton's measures had been so skilfully planted that they could not be uprooted in a given time, and that the attention of the people during Jefferson's administration had been chiefly centred on our foreign relations. Later the country was at war, a condition naturally calculated to increase a national feeling. The war legislation diverted capital into manufactures, whence resulted the pressure for a protective tariff. Following the destruction of the old Federalist party, there came a realignment of all parties. The State Rights party

became the Democratic; the Federalist, the national Republican, and the Democratic party had less devotion to the reserved powers of the Constitution than the old Republican party. Then the tariff law of 1828, "the Bill of Abominations," as it was appropriately called, was passed by both parties; so was the act of March 3, 1833, subjecting the judicial authority of the states to the Federal judiciary.

A consequence of the increase of power of the Federal government was a keener competition to obtain the presidency, whence party conventions, party organization and removals from office for party reasons. Another consequence was an arousing of the anti-slavery sentiment into activity, because it was now believed that the general government had power over slavery.

The tendency toward consolidation would result in one of two things—monarchy or disunion—and "these sad alternatives" would be averted only by restoring the government to the condition in which it came from the hands of those who framed it. The states must be restored to their supremacy over the Federal government; the twenty-fifth section of the judiciary act must be repealed; so must the whole of the act of March 3, 1833.

Such, briefly, was John C. Calhoun's idea of our government. At the time he wrote perhaps the strongest argument against him was the irresistible argument of precedent; but, while he himself, in the earlier part of his career, had brought this argument forward in support of the measures which he

had advocated, he now abhorred it as a method of reasoning, and insisted that the Constitution must be submitted to a process of original analysis impossible for the common mind to grasp. If, as he said, the country had accepted the nationalizing acts of the First Congress; if Jefferson with his mighty hosts had drifted with the current which had set toward nationalism; if a pure state sovereignty party, never having been wholly in the ascendency, had almost disappeared, how could Calhoun and a majority in one state, or even one section of the country, hope to stem the tide? He wished to turn the government back—to what? To a position which he confessed it had never occupied! If it had been in a wrong position so long and so persistently, was it not plain that the people intended to keep it there?

Calhoun's theory is not difficult to understand, when the fact is grasped that it was based on the theory of the absolute sovereignty of the states over the Constitution; for then it is plain that they can do with it as they please. In its development, he resorted to elaborate, ingenious and tortuous reasoning of a kind which attracts certain minds, numerous enough, but peculiar and separate from the ordinary mass of mankind.

People of average intelligence knew that Calhoun's Constitution was not the charter of government under which they lived. If his interpretation was correct, those who framed the Constitution and those who had been interpreting and administering it for forty years had either stupidly not understood

it, or had wickedly suppressed its true meaning. That the states, having voluntarily accepted the Constitution, had a right to undo their action and withdraw from the Union, was believed by many in the North as well as in the South ; but that a state might remain in for some purposes and go out for others, was not believed by any party. The Kentucky Resolutions suggested a means of meeting rank, unbearable tyranny and oppression, when it was sanctioned by all the branches of the Federal government; but Calhoun proposed that there should be general anarchy whenever a state willed it. His historical treatment of the Constitution was unsound, for in the convention which framed it, the national party had a considerable majority over the state sovereignty party, and the compromise by which the states were given equal representation in the Senate was acceded to by the majority, merely to keep several small states from withdrawing from the convention and consequently wrecking it. The question having been left unsettled by the convention, which party would be the more likely to prevail afterward,—the smaller or the larger? Broadly speaking, all the statesmen who favored a national government also favored the ratification of the Constitution, and the opposition to ratification came entirely from those who opposed a national government.

But there was a strange contradiction in Calhoun's attitude. He spoke of disunion as an abhorrent thing ; he showed that he felt for the Union a deep

affection and pride, yet he argued that it was subordinate to any state's whim, and he pointed out the way to bring its laws into disrespect by making them inoperative.

From the beginning to the end of the Revolution, there was a strong Union sentiment throughout the United States, and, generally speaking, the leaders of thought felt it and encouraged it. It was probably the dominant feeling; but after the peace, the chief interest of the people drifted back to the several states from which it had been withdrawn temporarily by the united struggle; and during the "critical period" intervening before the adoption of the Constitution, events were rapidly shaping toward a dissolution of the flimsy Union. It required Herculean effort on the part of the statesmen who realized the consequences which would follow dissolution, to save the Union, but the rescue was made and the Constitution was ratified. Those who effected the ratification were firmly convinced that many of the leaders of the forces opposed to it were in favor of splitting the country into a number of separate sovereignties. When the government under the Constitution started to operate, it was watched on all sides with intense suspicion. The North and South locked horns over the question of the location of the capital, and the new government almost went to pieces; while in the ensuing ten years, the policy of the ruling party produced in the South many suggestions of withdrawal from the Union. When the control of the government

passed to that section, the centre of disunion sentiment shifted to New England. That a genuine national feeling, extending throughout the land, should be a plant which must grow was only natural. The people for the most part were agriculturists and bound closely to their homes. The roads were bad or non-existent, and few persons traveled or knew those who did not live near them. Most men resided in the states in which they were born; they married women from the same states, and their children went to local schools and colleges. The mental habits of colonials clung to them; they took an interest in European affairs, and the chief feature of their newspapers was letters from the Old World. The correspondence of even the public men shows that the intimate exchange of thought was between those living in the same state or section. When New England opposed the acquisition of Louisiana, it was avowedly because the new and fertile region would develop into states, which would rival the Eastern states and diminish their importance. Men holding such views did not pretend that the expansion of the nation was their aspiration.

After the War of 1812, the whole country became prosperous, and the Union took a stronger hold upon the affections of all geographical groups than it had ever had before; but it was an affection which was disturbed as soon as one section thought another was advancing at its expense.

In a broad way, the truism which Calhoun wrote

in his *Disquisition on Government* was applicable to sections or states as well as to individuals: "Each, in consequence, has a greater regard for his own safety or happiness, than for the safety or happiness of others; and, where these would come in opposition, is ready to sacrifice the interests of others to his own."

CHAPTER VIII

CALHOUN'S OPPONENTS

THE committee which brought in Calhoun's *Exposition of 1828*, consisted of seven members, at least one of whom, Hugh S. Legaré, did not agree with the views that the report set forth. The draft prepared by Calhoun underwent slight modification by the committee. The legislature, knowing that it had been drawn up by the Vice-President of the United States, received it with great respect and ordered five thousand copies printed, but they did not adopt it. We have Dr. Cooper's authority for the statement that they thought it contained tenets to which they ought not to commit themselves. Some of the members doubtless knew in advance that the report would proclaim the right of state veto of a Federal law and were ready and willing to accept the dogma; others were determined never to accept it; still others desired time in which to consider it. The strict state rights men whose views accorded with Judge William Smith's had not learned this doctrine; those who agreed with Turnbull's *Crisis* had prepared themselves for resistance of a different kind; those who in the past had been following Calhoun and his band, found themselves in the distressing situation

of men who must change their minds or their leaders. Stephen D. Miller, the new governor, who took the oath of office soon after the Exposition had been received, said in his inaugural address: "In swearing to support the Constitution of the United States, I do not regard myself as acknowledging allegiance to an unconstitutional act of Congress." Nevertheless, the situation was encouraging to the Union party, for it was generally agreed by all that they would wait and see what relief the future might offer.

Calhoun looked before him with little hope. The vote in Congress for the tariff of 1828 had shown that many Jackson men were also tariff men; but as South Carolina had already resolved to support Jackson and had nothing to hope from Adams, the outward appearance of expecting something from the new administration was observed, and the same legislature which received the Exposition, selected presidential electors who were to cast their votes for Jackson and Calhoun. Calhoun's election had been resolved upon by the Jackson states before the nullification incident arose, and was accomplished without reference to it; but when he took the oath of office on March 4, 1829, it was well known that he was the author of the Exposition. The point to which he had directed the hopes of his followers was that Jackson might appoint a low-tariff Secretary of the Treasury, but he selected Samuel D. Ingham of Pennsylvania. He was the same man that had put Calhoun in nomination for the presidency

in 1821, and they were still warm friends, but Ingham was, of course, a protectionist. Calhoun's chief fear was that the large revenues produced by the tariff would cause a surplus, which after the public debt had been wiped out, would be distributed among the several states. They would then have a pecuniary interest in continuing a high tariff, and would not feel disposed to adopt measures against it. Action must, therefore, be taken before the debt should be paid.

In his first annual message to Congress in December, 1829, Jackson recommended the distribution. It had already been made manifest that his administration was not inimical to a protective tariff. It was inevitable, therefore, that Calhoun and Jackson must become political opponents. Their relations up to this time had been exceptionally friendly; but on Jackson's part the relationship had been based upon a misunderstanding, for he believed that Calhoun had been his champion in Monroe's cabinet in 1818, when his conduct of the Seminole campaign was under discussion. The reverse was the truth, for Jackson had disobeyed orders, and Calhoun, being the Secretary of War, had urged that he be court-martialed. When the charges were being investigated by Congress, Jackson, on his way to the capital, had offered as a toast at a public dinner, given in his honor at Winchester, Va.: "John C. Calhoun,—an honest man is the noblest work of God." While in Washington, Calhoun's was the only house at which Jackson consented to be enter-

tained. As Calhoun had afterward helped to elect him to the presidency, it might be supposed that the former would be a promising candidate in 1832, for it was believed that Jackson would consent to serve for only one term.

It was generally recognized that Calhoun was the first statesman in the Democratic party and that he had a greater claim upon the succession than any one else; but he had a rival from the very beginning in Martin Van Buren, who had shown remarkable talent in the manipulation of forces to secure Jackson's election. In advising with the new President before he organized his administration, Calhoun recommended Tazewell, of Virginia, for Secretary of State, and opposed Van Buren; but Jackson insisted on appointing the latter, although Ingham, Branch, of North Carolina and Berrien, of Georgia, were supposed to be friends of Calhoun, and the President himself promised to take no sides in the expected contest.

In this contest Calhoun would succeed if the South accepted the views embodied in the *Exposition of 1828*. Strangely enough, he believed that his section would rally to the nullification standard and around him. On the contrary, the South regarded the Exposition with wonder and surprise, not unmixed with aversion, and looked coldly upon its author. The administration formed its policy without consulting him. It was plain that South Carolina was going to try a fall with the national government, and that no state was preparing to help her. As

the state was isolated, so was Calhoun, and any one could have seen that he could not possibly be Jackson's successor; but the intimate friends of the President, who surrounded him and used him, were not quick to recognize the natural course of events or trust to it, preferring petty intrigues and meddlesome activities which were often wholly unnecessary to the accomplishment of their own objects. One of their objects at the beginning of the Jackson administration was to put Calhoun out of the way of the succession; for they hated him, knowing that they would have short lease of life if he came to power. They favored Van Buren, one of themselves, so they hatched a plot against Calhoun as despicable as it was unnecessary. Van Buren himself was studiously ignorant of it, giving his companions to understand that they must not tell him of their plans. Circumstances favored the undertaking, for immediately after the inauguration a coolness arose between the President and the Vice-President, because Mrs. Calhoun would not receive Mrs. Eaton, the wife of the Secretary of War. The Calhouns, however, merely took the same stand as the rest of Washington society, who, to a woman, refused to associate with the notorious Peggy O'Neil. This incident by itself would have passed and been forgotten, for Jackson finally gave up the fight for Mrs. Eaton. But while he was still vexed with Calhoun because of his wife's behavior, John Forsyth of Georgia, at the request of Major William B. Lewis, premier of Jackson's "Kitchen Cabinet,"

put in the President's hands a letter from William H. Crawford, revealing the fact that in 1818 in the cabinet councils, when Jackson supposed Calhoun was acting as his defender from attack, the latter was really trying to have him punished for disobedience of orders. When the old man learned that for all these years he had been giving his friendship to one who was in reality his opponent, his wrath was kindled at once. He sent Calhoun a stiff note, enclosing Crawford's letter to Forsyth and asking if the statements it contained were true. The Vice-President replied laboriously and at length. He took the defensive and laid stress upon Crawford's perfidy in disclosing the secrets of the cabinet, but he was obviously ill at ease at the thought of losing Jackson's friendship; nor could any arguments, however ingenious or however long, explain away the fact that he had wished to punish Jackson. Calhoun spent a great deal of time over his part of the correspondence, and the controversy excited much discussion between his and Jackson's friends. The surviving literature being extensive, historians have given more importance to the incident than it deserves. Calhoun bitterly resented Jackson's charges and hated him and the clique which surrounded him. The plot had succeeded admirably. Jackson was now Calhoun's relentless personal enemy, and the President's friends were no longer the Vice-President's friends. For the time being national political life offered him no prospects.

Nor were affairs at home in a wholly satisfactory train, for the Union party was organizing and showing increased strength. Greenville, in the mountains on the North Carolina border, was one centre for it; the democratic farmers of the interior were generally Unionists. Charleston was another centre, and probably a majority of the aristocratic families with large connections and extended influence were on the Union side. In September, 1827, a newspaper article declared that the state as a whole was perfectly loyal, with the exception of a band of infuriated zealots who wanted to fight. We have seen that when the first Missouri bill was brought forward in 1819 and there was some talk of Southern secession, Calhoun told John Quincy Adams that if the South did secede it would form an alliance with England. The Unionists now charged that such an alliance was being talked of by their enemies, as England would be the state's natural ally and there would then be nothing to fear from the North. This charge was frequently made and was probably based on the facts.

Some of the Unionists whose influence was making itself strongly felt were Judge Daniel E. Huger, afterward United States senator from 1843 to 1845; James R. Erwin, a leader of the bar in the Marion district; Robert Cunningham, another great lawyer, who had read law in Calhoun's office; B. F. Perry, editor of the Greenville *Mountaineer*, afterward governor of the state; and John M. Felder, of Orangeburg, Calhoun's most intimate friend at

Yale and at the law-school. William Johnson, Judge of the United States Supreme Court, whom Jefferson had selected because he was a more strict Republican than Theodore Gaillard, who had a higher standing at the bar, being deterred by his judicial position from entering into a political contest, refused to return to South Carolina, and died in Brooklyn in 1834. In 1829 Joel R. Poinsett came back from his mission to Mexico and was accepted as the active leader of the Union party.

The most conclusive argument against Calhoun's doctrine of government came from a man who, by origin, birth, education and association was as much of a Carolinian as Calhoun himself, and as true an exponent of Carolina thought. James Louis Petigru was born in the Abbeville district, only a few miles from Calhoun's birthplace and only seven years after Calhoun.[1] Both came from the farmer class, the least distinctive in the state, but Petigru was half Huguenot and half Scotch-Irish, while Calhoun had no French blood. Like Calhoun Petigru received his intermediate education at Williston from Dr. Waddell, but he was too poor to go to a Northern college and matriculated at the head of his class in the South Carolina College, at Columbia. He studied law at home also, but while Calhoun disliked the profession and abandoned its practice as soon as he could, Petigru loved it and devoted his life to it. The two were as unlike as

[1] See *James Louis Petigru, a Biographical Sketch*, by William J. Grayson.

men could be. Petigru was a man of heavy, massive person, with a huge head, big features, a complexion swarthy as an Indian's, and an Indian's straight, black hair. He had strong sentiments, an irrepressible imagination and an exuberant sense of humor. His temper was quick and violent, and before the days of nullification, he thrashed a man who dared to call him a Federalist. He read and wrote poetry and one of his favorite authors was Rabelais. He lay in wait for jokes, and accounted it an achievement when he made a good one. He loved flowers and trees, and back of his office in St. Michael's Alley, in Charleston, was his beautiful garden, where he used to sit and study his law cases. This man, who had received his whole education in his native state, who had never held a national office, whose every interest, professional, material and social, centred in South Carolina, and who yielded to none in his devotion to her, had, nevertheless, imbibed a patriotism broader than his state could satisfy, and was one of a large class of Carolinians who looked with grave apprehension upon the growing spirit of disunion. The substitute for it which Calhoun offered they regarded with repugnance and contempt, and they were extremely proud of the record of the state, which had been so notable in making the Union strong.

In the constitutional convention, South Carolina had been represented by Federalists. Charles Pinckney made the motion in that body "that the national legislature should have the authority to

negative all [state] laws which they should judge to be improper." "The states," he said, "must be kept in due subordination to the nation." John Rutledge moved the clause making the Constitution "the supreme law of the several states and of their citizens and inhabitants," and Pierce Butler and General Charles Cotesworth Pinckney, the other delegates from South Carolina, were in full accord with the Federalist understanding of the Constitution. In no state was there less opposition to its ratification; and in the First Congress all of the delegation with the exception of Ædanus Burke were Federalists.

Two members even voted for the Alien bill in 1798, and only when the Federalists became the sectional party did South Carolina become a Republican state. In 1821 when Ohio passed a law forbidding the United States Bank to do business in that state—a practical illustration of nullification—there was not a man of consequence in South Carolina who did not think Ohio in the wrong. Six years later those who had not changed their views, looked with apprehension which became alarm at the probabilities of their opponents taking some irretrievably rash step, because they understood, as did few outside of the state, the peculiar temperament of the people. A Unionist writer in the Charleston *City Gazette*, July 16, 1827, said that the ambitious struggles for office and the effect upon passionate young men anxious for "death or promotion" were in a fair way to draw the state into

controversies in which she would have everything to lose, and to alienate her from a course which had made her past so illustrious. On Independence Day, 1828, at a dinner of Unionists in Charleston, among the toasts were these: "The Constitution of the United States—we have enjoyed life, liberty and happiness under its benign influence; we will die in defense of its principles," and: "The Union of the States—it has stood unharmed the assaults of enemies from abroad; it will be impregnable to the attacks of traitors at home."[1] Who were the "traitors at home" was well understood. They, too, were having a public dinner in another part of the town and making open threats of disunion.

Who were Calhoun's followers at this time? Not the state rights men. One of them asked on July 27, 1827: "Who toast him? Who claim him? Why, the old Federalists, whose doctrine he illustrates." But the Unionists did not want him either. As late as July 24, 1828, the Unionist Charleston *City Gazette* said that he was the author of all the ills from which the South was suffering; that at present no one could divine what his views were; that he veered about like a weathercock, and that his political tergiversations had disgusted the old Republicans; that he was a dangerous politician and intriguer and ought to be retired to his farm at Pendleton.

The Unionists called their opponents the Dis-

[1] Charleston *City Gazette*, July 7, 1828.

union party and in making up the tickets for election to the legislature which received the Calhoun Exposition, the line of cleavage in many districts was the question of union or disunion. There was not the slightest doubt in the minds of the Unionists of how attempts at disunion should be met. Disunion was treason; disunionists were traitors. The duty of the people was to arise in their strength, and deal with them as "open, bare-faced opponents of the common weal." They were working to dissolve the Union in order to gratify the pride, vanity and ambition of a few disappointed individuals. These individuals wished to erect an independent sovereignty in hope of securing offices and honors which they were unable to attain in the Union. It was even asserted that they intended to erect a monarchy, urged to do so by the desire to obtain the decorations and titles of nobility. These charges, made in heat, were an exaggeration. Of people who wished to erect the Kingdom of South Carolina, there were very few; but of people who hoped to see a separate independency, there were many. The state was torn asunder by contending factions, determined on one side to resist the tariff; determined on the other side to deal with such resistance as with rebellion. A terrible struggle was about to take place; friendships and family ties were to be broken; civil war was to become almost a fact. Out of it all was to arise a leader with greater power than any leader in the state had ever had before or has ever had since; but he was to be the

leader of a new state, erected upon the ruins of the old, which had held so proud a place in the Union and had done so much toward its upbuilding.

CHAPTER IX

SOUTH CAROLINA IN 1830

It is now necessary to take a glance at the state and the people of the state in which this contest occurred.

At no time in her history did conditions which produce a normal, healthy social growth prevail in South Carolina. What was there from the beginning was a landed aristocracy, for the professional men who shared the controlling influence with the planters usually had plantations of their own and were the sons of planters. The period of the full efflorescence of Carolina society had passed with the first quarter of the century; after that time it steadily drooped. The census of 1820 revealed the fact that the seat of empire had passed from the South to the North; that Virginia was no longer the most populous state, but that New York had taken her place. The population of South Carolina was 502,741, and in 1830 it was 581,185, a gain of more than 79,000; but in the same period Massachusetts had gained about 87,000 and New York nearly 600,000. Between 1830 and 1840 South Carolina gained only a little over 13,000 inhabitants. In 1820 she ranked in population the eighth state in the Union; in 1830 the ninth; in 1840 the

eleventh. The Charleston district actually decreased in population between the years 1830 and 1840. The public men were painfully aware of this general decline, and wondered why stagnation and decay should prevail in a state so richly endowed with natural wealth.

It was a unique community. There were similarities between the life in South Carolina and in other parts of the South, but the climate and the face of the country were so singular that the life also was singular. The people were sprung from many stocks. There were Germans, Irish, Quakers and Welsh among them, but the larger number of the early settlers were Huguenots, Scotch-Irish and English. They had amalgamated completely, and differences in religion and family names were the only marks of the differences of origin. Early in the century the society was recruited by a slight immigration of high-born West Indian Englishmen, and the plantation life was not unlike the West Indian life.

The classes of the people were widely separated. There were no white servants and few tenants. The good land was in possession of the rich planters; the inferior land was occupied rent free, or bought for an insignificant sum. The farmers, as distinguished from the planters, had moderate holdings, owned few slaves, and were generally poor. The cottagers were the "poor whites." Because there was no middle agricultural class, a traveler coming from the North by the usual stage route,

and seeing the common country life, was impressed with its inferiority. After leaving Petersburg, Va., he found the whole aspect of the country, the taverns and the people, degenerating, and from Petersburg to Charleston, a distance of four hundred miles, the stage passed through but three small towns and a few unimportant villages.[1] When Columbia was reached, might be met for the first time a little circle of the upper Carolina society, which was as highly cultured as any society in the South or in America. Any one who had a letter of introduction, was certain to experience an abounding and charming hospitality, and the innkeepers complained that private entertainment prevailed to such an extent that their business was not worth following.

The soil of the state is divided into tide-swamp, inland-swamp, salt-marsh, oak and hickory highland and pine-barren. All of it is fertile except the pine-barren, and this is essential to a swamp plantation, because there one may sleep without contracting the fever. The climate is extremely variable. Commonly there is no frost for eight months of the year, but hurricanes and storms sweep the coast, and the history of the state includes the record of many frightful disasters from conflict of the elements.

In 1830 more than half the population was composed of slaves. As there was no other state in

[1] *Remarks During a Journey Through North America in* 1819, '20 *and* '21, by Adam Hodgson, of Liverpool, p. 111.

which their numbers so predominated, so in no other state were such extraordinary precautions taken against their insurrection. They were not permitted to travel without passes; they were not allowed to congregate in numbers; they must be at their homes at nightfall. In fear of their revolt, the white inhabitants almost literally slept upon their arms, and the streets of the towns were under military patrol. As the activities of the Abolitionists in the North increased, the rigor of the laws to keep the slaves in subjection increased also.

In 1830, 86,338 people lived in Charleston and its vicinity, about three times as many as in any other district in the state. The city itself had about 40,000 inhabitants. It was the second in population in the South, and second to hardly any in America in the luxurious life of a large number of its people. To foreigners it was almost as well known as Bristol or Liverpool, and surprise was expressed that a state apparently so poor should contain a city apparently so rich. Bales of cotton and barrels of rice filled the wharves and streets near the harbor to overflowing. Commerce, agriculture, fashion, all had their centre in Charleston. There one of the most charming social circles on the continent flourished. Conversation was made an art. There were men famous as raconteurs and wits and dinner-givers, of elegant literary attainments and of broad culture, gained by foreign education and travel.

Of manufactures there were none in South Carolina. An effort was made to start coarse cotton

manufacture in 1807 and homespun in 1809; but both failed, and thereafter the people followed their natural bent and were agriculturists. They were prejudiced against commercial and mercantile pursuits. In a speech in the House in 1811 Calhoun spoke contemptuously of the "low and calculating avarice" of shops and counting-houses, and merchants in Charleston were obliged to import their clerks from Europe, the native youth being untrained to habits of industry and obedience. There was an additional argument against manufactures. The blacks had not sufficient intelligence to be employed in the factories; the "poor whites" were not numerous or industrious enough; the hands would consequently have to be brought from the North and might disseminate Northern Abolition ideas. On the other hand, internal improvements looking to the transportation of products, were undertaken extensively and fostered by the state government.

Cotton and rice were almost the only important products of the state, and each year it sent many millions of dollars' worth abroad. Unfortunately, however, the conditions favorable to rice culture are unfavorable to health, for the tide-swamp lands where the largest crops are grown, are formed of the deposits of fresh water streams, dead and rotted plants and other vegetable matter. The fields are flooded periodically, and again exposed to the burning rays of the sun, and, as a consequence, give forth a malarial poison which few constitutions can withstand. There was exaggeration,

doubtless, in the statement in Charles Dickens's magazine that every barrel of rice in South Carolina "might be said to cost a human life,"[1] but it approached the fact. The planters fled from their plantations in the summer, seeking the sea-breezes of Charleston and Sullivan's Island, and when these places became too hot, many of them went to the watering-resorts of the North. The rice or cotton plantation was a kingdom in extent and in the authority of its head. It covered an area of from 1,000 to 3,000 acres, and often as many as seven or eight hundred slaves lived on a single estate. The owner, who was the first in authority, vested his command for a considerable part of the year in the overseer; he had under him negro "head-men," whose duty it was to see that the groups of hands performed the labor allotted to them. The houses were generally large but simple frame structures, set upon pillars with an open space underneath to allow free circulation of air; but there were some elaborate mansions, and especially near Charleston a few magnificent ones. The planters lived like rich men, often having three establishments,—the plantation, a house in Charleston, and a cottage on Sullivan's Island. They were far removed from popular movements, but because of their extraordinary privileges were fiercely democratic in political life, while aristocratic in social life. Speaking of these communities before the Revolution, Burke warned the British government that

[1] *All the Year Round*, Vol. IV, p. 441.

slaveholders were, by their very habits of masterdom, made more vigilant, jealous, and hardy than other men in defense of their own liberties. The South Carolina planters had henchmen and retainers and enjoyed authority almost unlimited over large numbers of their fellow-men. Generally they were on good terms with their slaves, who hated the overseers and not the masters. The indolent life which many of them led brought its usual accompaniment of intemperance, and the people were uneducated in habits of self-denial or self-restraint, for in plantation life they encountered little opposition. These facts, added to an irritable physical condition produced by a hot, insalubrious climate, made duelling a social institution, and although deprecated by the more enlightened people and prohibited by the letter of the law, it was supported by general public sentiment. Ramsay, writing in 1809, said that more duels took place in South Carolina every year "than in all of the nine states north of Maryland."[1] But from the same conditions which produced the duelist, the lazy sensualist, and the intolerant provincial, also sprang the man of affairs, humane, studious, and accustomed from childhood to responsibility for the welfare of others. At the time of which we are writing, the people had found in the matchless romances of Sir Walter Scott the kind of literature which satisfied their ideals more completely than any other had ever done, and they read and absorbed

[1] *History of South Carolina*, Vol. II, p. 387.

the Waverley novels with positive enthusiasm. Brave men of heroic deeds, and women, gentle, devoted and pure, all living in a society almost medieval in its constitution—these strongly appealed to them.

A foreigner described a Carolina planter as having "an ease, a grace, a generosity, and largeness of character incompatible with the daily routine of petty occupations and struggles of modern commercial life." [1] They were a people with strong lights and shades of character, of impetuous temperament, proud and self-centred, but brave and chivalrous, with many noble qualities. In the early part of his career Calhoun had spoken disparagingly of the Charlestonians and their luxurious mode of life; but as his experience of the world increased, he became more tolerant, and the exclusive circle in the city received him with open arms and forgot that he was not originally one of themselves.

Because of the increasing poverty there had already begun an emigration of young men, chiefly to the new Southern states on the Gulf. There was a general feeling of unrest. With keen observation, Harriet Martineau, who visited the state at this time, saw the real trouble. "The high spirit of South Carolina is of that kind which accompanies fallen or inferior fortunes," she said. "Pride and poverty chafe the spirit. They make men look around for injury and aggravate the sense of injury when it is real." And she added: "If not a single

[1] *All the Year Round*, February, 1861.

impost had ever been imposed, there would still have been the contrasts which they cannot endure to perceive between the thriving states of the North and their own. Now, when they see the flourishing villages of New England, they cry, 'We pay for all this!'"

As the people were mistaken in supposing that the poverty which they endured was produced by the tariff, so were they mistaken in supposing that such prosperity as they enjoyed was produced by slavery. Into this fatal error Calhoun fell along with his people. His father, the old pioneer, had not come of a slaveholding class, and there were no slaves in the part of South Carolina in which he had lived when he settled there; but when he was in the legislature he had returned from a visit to Charleston with a black boy whom he had bought, riding on the horse behind him. He called him Adam and soon found him a wife. When his son John was born, there was a black family coming on, and Sawney, one of Adam's children, was John's playmate, companion and servant. There were then no overseers in the Abbeville district, and the worst features of slavery were not present. White men did field-work, and John and Sawney followed the plow together. The Carolina farmers bought slaves when they could and thought them profitable; this opinion was almost universal among them. Calhoun's early years were spent as a Carolina farmer, from which he progressed to the more important position of a planter, and it was an unheard-of prop-

osition that a plantation could be successfully worked without slaves. Now, as the wealth and prosperity of South Carolina were in its plantations, so were its wealth and prosperity supposed to be in its slaves. Thus the people reasoned and thus Calhoun reasoned with them. The years at New Haven and Litchfield—five in all—were the only years he had ever spent out of the shadow of slavery. It enveloped him from his infancy. He could not have escaped from it, and he never sought to do so.

In 1816, in the House of Representatives, he described the slave-trade as "an odious traffic," and acknowledged that he was ashamed of South Carolina's influence in continuing it; but he went no farther than that and no opinion of his deprecating slavery is on record. On the contrary, he became the greatest advocate of the institution in American public life. While the noble race of old Virginians was passing from the stage, gloomily looking into the future, and seeing there the awful fate awaiting the land because of slavery, Calhoun and his companions were hopefully planning the prosperity of the South by confirming and extending the source of its evils. His house-servant, Alick, ran away in fear of a beating, because Mrs. Calhoun had threatened him for some misconduct. When he was apprehended, Calhoun had him imprisoned for a week on bread and water, and then sent home after thirty lashes had been well laid on. A perfectly humane man found this course necessary "to prevent," as he said, "the formation of the habit of running away;"

but how could an intelligent man conclude that men like Alick were a desirable laboring class? The Colonization Society, with its project for sending free blacks back to Africa and encouraging emancipation, came as a gleam of hope to enlightened Southerners. It was truly described in the House of Representatives as "an institution which is the favorite of the gentlemen in the slaveholding states," but the legislature of South Carolina, as we have seen, passed resolutions, with which Calhoun fully agreed, in opposition to the Society's plan. On February 18, 1837, he cast this horoscope for his people:

[Abolition schemes having been successfully resisted] "we will be the greatest and most flourishing people of modern time. It [slavery] is the best substratum of population in the world; and one on which great and flourishing commonwealths may be most easily and safely reared."

He believed that a great, progressive, prosperous republic could be built on slave labor, when it was in reality hardly better than convict labor. Those unwillingly performing it must be driven with the whip, and guarded by pickets lest they run away. When Calhoun attributed the lack of prosperity of a slave-ridden, semi-tropical country to a tariff law, he reasoned on a level with his neighbors, but there were thousands of Carolinians who looked upon his fallacious arguments with surprise, and wondered how a man of such rich mental gifts could display such poverty of discernment.

There was no other state, however, in which slavery was so deeply rooted, and the responsibility for its continued existence in America was with South Carolina more than with any other state. It matters not if New England men and Englishmen did first introduce the slaves; the Southern states had, in the beginning, the same power to set them free as the Northern states. Slavery was in the Constitution because the South Carolina delegates to the constitutional convention insisted upon putting it there. They plainly told the convention that their state would not accept the instrument, unless it safeguarded slave property, and every effort in the South making toward emancipation was blocked by the immovable attitude of South Carolina. There were many in the state who abhorred slavery; there were many who fled to escape from it; but none who wielded power derived from the people dared do otherwise than uphold it. A small cultured circle of society flourished under it, but general continued prosperity was impossible. There was no interchange of the classes and no infusion of new energy and life. What a contrast to the free communities of the North, where every one was working, laborers were becoming employers, capital was being rapidly created, new life was pouring in, and prosperity was increasing by leaps and bounds!

CHAPTER X

REFINEMENTS OF CREEDS

When Calhoun went to Washington in December, 1829, to enter upon his duties as Vice-President for a second term, he left his state in a condition of anxious suspense, for the ensuing months would bring peace or war. The tariff must be changed; if it was not, South Carolina must submit in humiliation, or take measures of resistance. Calhoun had abandoned hope of relief from the party to which he had thus far belonged. The central figure in it was Andrew Jackson, and Calhoun believed him to be weak and ignorant. At this time he read the future with remarkable incorrectness. He thought that if the Democrats followed Jackson for a few years longer, they would be overthrown; that if Jackson should be elected for a second term, his prestige would be weakened and his popularity lost; that Van Buren could never be elected Vice-President; that the nullification theory would be generally accepted in about three years' time, and that South Carolina would be recognized as the leader in a great reform movement. He believed this reform to be necessary to save what he called "our splendid political experiment." As the plots and intrigues of Jackson's followers thickened, Calhoun became disgusted with the whole tone of political life,

which without doubt had lowered perceptibly. The President's honesty and popularity, he said, had been combined with Van Buren's cunning and unscrupulousness, and the result was a corruption of the government such as had been hitherto unknown. He found himself contending with men who were his inferiors in motives, knowledge and character. Their rivalries and personal campaigns for office had been forced upon the attention of the people in such a way that questions concerning the principles of government had been excluded from their thoughts. The decadence of good political sentiment Calhoun attributed to the fact that the general government had been permitted to aggrandize all power to itself. The remedy, of course, was state interposition, the wholesome threat and fear of which should at all times be kept in evidence as a check upon the natural tendencies of the Federal government. In the present aspect of affairs, Calhoun could not act with the Whigs, who were tariff men and opposed to state rights, nor with the Democrats, who were Jackson and Van Buren men; so he stood alone, and bent his energies to the work of bringing his state into a position of similar solitude.

The session beginning December, 1831, was notable for the opportunity afforded him of casting a fateful vote. Van Buren had left the State Department, having been appointed Minister to England during the recess of Congress. When his nomination came before the Senate, a majority of the members were opposed to its confirmation; but a

few of the majority refrained from voting on the question, in order to make a tie and give the Vice-President the casting vote. He promptly voted for rejection. He believed Van Buren had hatched the plot which had so successfully caused the breach between him and Jackson; but apart from that, he utterly abhorred Van Buren's methods, and attributed to him, more than to any other one person, the deplorable condition to which politics had sunk. There was an element of vindictiveness in the vote, for Senator Benton heard him say after he had cast it, "It will kill him, sir, kill him dead. He will never kick, sir, never kick." Nevertheless, it was Calhoun's duty, as he saw it, to "kill" Van Buren, if he could.

The same legislature that promulgated without adopting Calhoun's *Exposition of 1828*, did adopt a temperate remonstrance against the tariff which Judge William Smith, whose term of service in the Senate had not yet expired, presented to that body on February 10, 1829, and supported with an old-fashioned state rights speech. Robert Young Hayne also made a solemn appeal in which he warned the Senate that the voice of the state must be heeded, but neither Smith nor Hayne even hinted at the right of state veto. The great nullifier presided over the Senate, but his doctrine was not announced there until a year later when Hayne engaged in his great forensic duel with Daniel Webster. Senator Foot, of Connecticut, having introduced a harmless resolution providing for an inquiry into the expedi-

ency of suspending the sale of the public lands, Hayne spoke on January 19, 1830, opposing any plan by which the proceeds of sales of the lands should become permanent revenue of the general government, because such an income would tend to consolidate power and render the Federal government independent of the states. The next day Webster said he welcomed any measure that would be likely to consolidate the Union, and pointedly alluded to recent proceedings in South Carolina which had caused the suggestion (quoting Dr. Cooper) that the time had come when the value of the Union should be calculated. The great debate was then precipitated. Hayne's contention was "that, in case of plain, palpable violation of the Constitution by the general government, a state may interpose; and that this interposition is constitutional." He insisted that the only difference between himself and Webster was that Webster would resist such acts by revolution and force, and he by peaceable, constitutional means. He drew his arguments almost entirely from the Virginia Resolutions and Madison's report, and made no direct quotations from the Calhoun Exposition. Nevertheless, he had announced "the Carolina doctrine" and it was now formally before the country. There was no doubt among the nullifiers that Hayne's arguments completely demolished Webster's and they were much encouraged by the debate. There was still, however, fair reason for hoping that the nullification program would not be carried out, for Jackson in his message of De-

cember, 1831, recommended a revision of the existing tariff, which was producing a redundant revenue. There seemed, also, to be a good chance that the state might save itself without outside help.

In 1830, after a hot contest, James R. Pringle, a Unionist, was elected Intendant of Charleston, and enough members of this party were sent to the legislature to prevent the calling of the state convention. In December, 1830, the legislature adopted six resolutions, which were a pronouncement of the right of state interposition, coupled with professions of devotion to the Union, and containing no threat of immediate action. The word nullification was not used, and by themselves the resolutions were not hopelessly harmful; indeed, many of the Unionists might have agreed to them in the main. The first avowing warm attachment to the Constitution, the second expressing devotion to the Union, and the third declaring that the Federal government derived its powers from a compact to which the states were parties, were the same as the first three of the Virginia Resolutions of 1799.

The fourth resolution was that the states are not united by the principle of unlimited submission to the general government, and that whenever this government assumes undelegated powers, its acts are unauthorized, void, and of no force; that the general government is not the final arbiter of its own powers, and that each party has a right to judge of infractions for itself. This was the first Kentucky resolution.

The fifth resolution, regretting the inclination of the Federal government to enlarge its powers by forced and unwarranted constitutional construction and the consequent tendency to transform itself into a monarchy, was substantially the same as the fourth Virginia resolution. Thus far the Democratic party throughout the whole Union could have said "amen" to the creed.

The sixth resolution was an adaptation of the third and fifth Virginia resolutions, but the modifications were of radical importance; for South Carolina said the tariff laws were "deliberate and highly dangerous and oppressive violations of the constitutional compact, and that whenever any state, which is suffering under this oppression, shall lose all reasonable hope of redress from the wisdom and justice of the Federal government, it will be its right and duty to interpose, in its sovereign capacity, for the purpose of arresting the progress of the evil occasioned by the said unconstitutional acts." Virginia had said "*the states*" might interpose; it never said a single state might. Kentucky had spoken of the right of interposition of "the several states," and to this day no man knows whether or not one state or more was meant. But the Virginia Resolutions had declared the Alien and Sedition Laws to be "*palpable*" violations of the Constitution, and the South Carolina legislature did not say the tariff laws were *palpably* unconstitutional, for no man could honestly say so.

Before the passage of these resolutions, a Union

meeting in the disloyal Colleton district had compressed the anti-nullification creed of the state rights Unionists into a single resolution: "That we do not consider the right of a state to 'nullify,' or forcibly arrest and make void a law of Congress, as a constitutional right, but as a right of sovereignty paramount to the Constitution; that although such a right might be exercised by a state in its sovereign capacity, after it shall have recalled to itself the powers which it has delegated to the Federal government, and thus have made itself (what no state now is) a perfect sovereign and independent nation, yet such a power evidently cannot be rightfully exercised, so long as a state continues a member of the Union and avails itself of its laws."

The members of the Union party were all against nullification, and were all loyal to the Union, but beyond this they were far apart in their beliefs. For example, at the Union dinner held at Charleston on July 4, 1830, William Drayton made a speech in which he conceded the right of a state to secede, but declared it to be absurd for it to remain in the Union and nullify Federal laws. He was, as we have seen, one of the earliest and most consistent opponents of the tariff. On the other hand, Justice William Johnson, of the Supreme Court, who would not return to the state because of the political turmoil, sent a letter in which he said "that Carolina had not only not been injured but really benefited to many thousands by the tariff," and that nullification was folly, and talk of peaceable nulli-

fication a "silly and wicked delusion," growing out of "a deliberate conspiracy against the Union," which had been steadily at work for six years. The proposed state convention was "the grand end and aim and agent of that conspiracy." At the fourth of July dinner of 1831, Hugh S. Legaré declared positively that the tariff was unconstitutional and Petigru as positively that it was constitutional.

Some of the Unionists insisted on state rights, but believed that the final decision of constitutional questions belonged to the Supreme Court, and that the right of secession did not exist. Others thought that the people, and not the states, were the parties to the Constitution, and that the general government was finally supreme. Still others were of the opinion that a state had the constitutional right to secede but not to nullify, and these formed the largest group in the Union party. Others, again, held that three-fourths of the states had a right, by concerted action, to set aside a palpably unconstitutional and unbearably oppressive law, after all the branches of the Federal government had concurred in putting it into effect, but indignantly denied that any one state could nullify it.

There were refinements of the constitutional beliefs of the nullifiers, too. One group believed in the absolute, unchecked supremacy of each state over the Constitution, and said that allegiance was due to the state alone; they acknowledged and felt no other allegiance. Nullification, therefore, was but

an incident of true state sovereignty. Another group thought the national government and the state government were equal sovereigns with no common arbiter in case of disputes. Nullification, therefore, was a right of one of the sovereigns. Still another group contended that South Carolina ought to secede from the Union by revolution or rebellion, and that nullification was merely a step in this direction. There was yet another group which, while the members looked upon nullification as a right derived from the sovereignty of the states, regarded it as the keystone in the arch that supported the Union and the great strengthening feature of our system of government, holding firmly in place the rights of the states on one side and the rights of the Federal government on the other, and rendering both irrefragably strong. They thought it the greatest discovery ever made since men began to study the science of government. Calhoun was in this group: its other members were but the chorus to his play. While all of these affiliating nullification groups were willing to put their theory into effect, they had widely different reasons for wishing to do so, and widely different expectations of what would be the result; for one wing desired it to bring about the disruption of the Union and the other hoped that it would save the Union. It cannot be too often repeated that Calhoun adhered to the latter party.

"To preserve our Union on the fair basis of equality, on which alone it can stand, and to trans-

mit the blessing of liberty to the remotest posterity, is the first object of all my exertions," he wrote in December, 1829, and he repelled again and again with perfect honesty the charge that he was a disunionist. It is also a fact that nullification, as he outlined it, would not in practice have resulted in secession—provided the general government had permitted the doctrine to be put into effect.

As events progressed in South Carolina, Andrew Jackson watched them anxiously. He wished to see the state saved from the nullifiers by its own people; but he did not allow his own position long to remain uncertain. In Carolina a rumor gained currency that he was actually in sympathy with nullification, and Calhoun himself believed that he could count on many of Jackson's associates. On Jefferson's birthday, April 15, 1830, a public dinner was held in Washington at which it was expected that some sort of official encouragement to the Calhoun party would be obtained; but Jackson electrified the assemblage by proposing as a toast—"The Federal Union—it must be preserved." Calhoun gave as a reply: "The Union—next to our liberty the most dear. May we all remember that it can only be preserved by respecting the rights of the states, and distributing equally the benefit and the burthen of the Union." The simplicity of Jackson's sentiment and the qualifications of Calhoun's illustrated effectively the difference between the schools of thought which the two men represented. The following year Jackson spoke more specifically.

On July 4, 1831,[1] there was a large Union rally at Charleston, when Petigru, Thomas R. Mitchell, Hugh S. Legaré, Daniel E. Huger, B. F. Hunt and others made great speeches; but the chief feature of the celebration was the reading of a letter from Jackson in which he spoke of the plans of disorganization of a certain party in the state, and said that if it became necessary he would suppress those plans.

A few weeks after this letter was read, Calhoun published his *Address on the Relations Which the States and General Government Bear to Each Other.* It was an elaboration of the *Exposition of 1828*, and he followed it the next year (August 28, 1832) by his letter to Governor Hamilton, which was an elaboration of the Address. Here he dwelt upon the efficacy of nullification as a peaceful remedy, and showed how it would be impossible for the general government to bring force to bear upon a nullifying state. Being in the Union, it would be safe, and the Supreme Court would surely decide that the general government had no right of coercion over it. He dwelt also upon the idea that nullification would be a cement of the Union; for if a state could nullify, what excuse would it have to secede? He insisted, however, that no one could believe in the right of secession, which was merely nullification of all the Federal laws, without believing in the right of nullifying some or one of those laws. He pointed

[1] A full account of this meeting may be found in Capers's *Life and Times of C. G. Memminger*, p. 37.

out the advantage of nullification as a temporary condition. If three-fourths of the states declared the law which had been made void to be constitutional, the nullifying state must submit to it, or withdraw from the Union.

An object sought to be accomplished by the Address and the letter was to bring the opponents of the tariff in South Carolina into solid array with the hope of crushing the Union party. A bare majority for nullification would not do; there must be practical unanimity to carry out the plans successfully, and this was the more necessary, because, as Calhoun now admitted, the South generally would not support his state. Every device to awaken the enthusiasm of the people was resorted to, and their passions were soon thoroughly aroused. At Beaufort there was a "Disunion Drama"; at Charleston there was a State Rights Ball; near Pendleton, B. F. Perry, the Unionist editor of the Greenville *Mountaineer*, killed Tyler Bynum, a nullifier, in a political duel. In Charleston the Unionists used to meet in the long room of Syle's Tavern, between Meeting and King Streets, and the nullifiers around the corner in a building known as "The Circus." Sometimes the opposing leaders would encounter one another in the street after the close of their meetings, and riots would be imminent. On one of these occasions Petigru, Poinsett and Drayton suffered personal violence. In June, 1832, Petigru wrote to his sister that one of his old friends, Judge Prioleau, was dying. "It is really very distress-

ing," he said; "one of the best men in the relations of domestic life that I ever knew, one whom I so much esteemed and have been intimate with, and now he is going to die and those cursed politics have made me almost a stranger to him."

The conflict had entered into every relation of life, but Calhoun had a cooler head and a fairer mind than most of his associates. Circumstances naturally threw him into personal contact with members of his own party, but he endeavored to keep in friendship with those relatives and friends who were opposed to him. His daughter, Anna Maria (afterward Mrs. Thomas G. Clemson) had as her roommate at boarding-school the daughter of Robert Cunningham, who now refused to unlearn the lessons in political principles which Calhoun himself had taught him; and the leader expressed satisfaction at the association and cautioned his daughter not to disturb it by intruding political discussion. The Unionists felt more bitterly toward him than he toward them, for he was winning, and he had formerly been one of them.

In the elections of the state for 1831–32, Petigru was returned to the lower house, but Henry L. Pinckney, a nullifier, was elected Intendant of Charleston, and it soon became apparent that the tide was setting irresistibly against the Unionists. The governor, in response to a request from a large number of citizens, appointed a day for general fasting, humiliation and prayer, to propitiate Providence for the calamities which had visited the state;

and one of the first acts of the legislature was to resolve on December 17, 1831, that Jackson's threatening letter of July 4th was unwarrantable and regarded by the people of the state as repulsive. This resolution was carried, however, by a majority of only twelve votes in the House and nine in the Senate.

In the latter part of the year, an effort was made to bring the question of the constitutionality of the tariff before a local jury in the Federal court sitting at Charleston. If the jury should decide that it was unconstitutional, the nullifiers would score an important point. E. Holmes and Alexander Mazyek, members of the Charleston bar, imported a bale of cloth and would not pay the duty. The United States Attorney, Edward Frost, refused to bring suit against them, and although the nullifiers lauded him for his action and made him a hero, Jackson promptly removed him, and appointed R. B. Gilchrist, a Unionist, in his place. When the suit was brought, Petigru argued the government's case with Gilchrist, Holmes and MacDuffie appearing on the other side. The point was whether the court would receive evidence other than that which related merely to the execution of the bonds for the payment of the duty. If such evidence might be introduced, the question of the constitutionality of the act under which the duty was levied could be brought before the jury; but the court refused to coöperate and the scheme failed.[1] The outcome of

[1] The case is reported in *Niles' Weekly Register*, Vol. XLI, p. 119.

the suit showed how strongly public sentiment was arrayed on the side of the defendants. Being unable to collect the duty, the government seized Holmes's house and sold it at auction. It was bid in by one of his political sympathizers, who refused to comply with the terms of the sale. It was again put up at auction, but not a single bid was received.

No other effort was made toward a legal solution of the difficulties, and after the passage of the tariff law of July 14, 1832, it was realized that all lesser schemes must give way before the greater one, proposed by Calhoun.

The tariff act of 1832 was even more odiously protective in its features than the "tariff of abominations," and its enactment was a great blunder. The protectionists, already fat with spoils, reached for more and thereby jeopardized what they already had. They were indifferent to the attitude of South Carolina, but they might have known that it was only an exaggerated manifestation of a disapproval of the tariff, which extended all over the South and into many parts of the North. If the protectionists had been content with a more moderate and reasonable law than that of 1828, they might have enjoyed the benefits of the schedules for a long time.

As soon as the bill was passed, the nullification members of the South Carolina delegation in Congress issued an address to their constituents telling them that it was useless to wait longer—that no re-

lief could be hoped for from the general government. The dread test had come; the state must take the necessary steps to render the obnoxious law inoperative within its borders.

CHAPTER XI

THE ORDINANCE

If the legislature had not changed its mind, the Congressional delegation which included the members who announced that South Carolina could cherish no hope of relief from her burdens from the national government, would have been the last from the state—at any rate, for some years. On December 13, 1831, a law had been passed ordering that no polls for the election of representatives should be opened the following autumn. This was repealed later on, however, having been enacted, probably, as an expression of displeasure, which it was thought wise to withdraw after it was found to have been ineffective.

As soon as Congress adjourned, Calhoun returned to "Fort Hill" and placed himself at the head of his party. Then followed the most momentous election in the history of the state; and the most momentous in his political career, because of the effect it had upon his fortunes. All the disunion men were with him, and many cooler heads, who were attracted by the peaceable aspect of his theory. It was not this aspect, however, that caused the great tide of nullification enthusiasm, which now swept over South Carolina and caught up many men who had

thus far held aloof from it; but the belief that the state was in danger and needed the defense of all her sons. It was their home and they rushed to protect it. They were warm-blooded men whose world was their state, and many who might have educated them to a broader patriotism, taught them that they owed allegiance to the state only. On this subject Dr. Cooper said in the introduction to the *Statutes at Large of South Carolina*, which he compiled by direction of the legislature in 1836: "If a citizen of this state be asked, 'Are you an American?' his reply ought to be: 'Sir, I am a South Carolinian,'" and Cooper was president of the chief institution of learning in the state.

This was a slaveholding community, where fidelity and unthinking devotion were necessary virtues. The people taught them to their inferiors, and gave them in rich measure to their sovereign, the state. William Henry Trescot has spoken of the intense feeling of loyalty which existed in the whole South at a later period, but his remarks may well be applied to South Carolina from the time when she definitely and completely accepted the leadership of Calhoun: "The feeling of state loyalty had acquired throughout the South an almost fantastic intensity; —particularly in the old Colonial states did this devotion to the state assume that blended character of affection and duty, which gives in the Old World such a chivalrous coloring to loyalty to the crown. The existence of large hereditary estates, the transmission from generation to generation of social and

political consideration, the institution of slavery, creating of the whole white race a privileged class, through whom the pride and power of its highest representatives were naturally diffused, all contributed to give a peculiarly personal and family feeling to the ordinary relation of the citizen to the commonwealth. Federal honors were undervalued, and even Federal power was underrated, except as they were reflected back from the interests and prejudices of the state."

The party in South Carolina which contended against the supremacy of state over national loyalty was slow to give up, and in September, 1832, it held a convention at Columbia. Notwithstanding the feverish excitement prevalent at the time, the tone of the address put forth was mollifying and calm. It was drawn up by Petigru, and was a masterly refutation of the nullification doctrine. The people, it said, were practically united in their opposition to the tariff, and differed only on the question of the proper thing to do to secure its repeal. Nullification as a peaceful course of action must be a mere suit at law, and a weak and futile one. As a forcible policy, it inevitably involved an infraction of the Constitution and the beginning of a revolution. If a state could nullify a law of Congress, the Federal government must go the way of the old Confederation. It was a monstrous proposition that the Federal government did not have the power to execute its own laws. A peaceable dissolution of the Union by secession might be possible, but nullifica-

tion *must* produce a collision between the state and Federal forces. Virginia, North Carolina, Georgia, Tennessee, Alabama and Mississippi were as much interested as South Carolina in a repeal of the tariff; let a convention of these states be called to deliberate on measures of redress. The appeal was in vain. In the elections of 1832 the total Unionist vote was about 17,000, while the nullifiers polled about 23,000. No one man was as much responsible for this sweeping victory as Calhoun. But, while the nullifiers outnumbered the Unionists by 6,000, a two-thirds majority in the legislature was necessary to authorize a state convention. This also was obtained, the vote by districts being more largely in their favor than in the state as a whole.

The holding of the convention had been determined upon for some time, but the constitution of the state provided that such a body could not be called together, unless two-thirds of the entire representation in the legislature authorized it. As we have seen, there had never heretofore been a two-thirds majority in its favor. The legislature met in extra session on October 22, 1832, and authorized the calling of the convention for the purpose of considering the tariff laws,—the extent of the evils resulting from them, and the proper means of obtaining redress. Undoubtedly, a special convention was the proper body to give forth an important constitutional pronouncement. It is true that Kentucky and Virginia had contented themselves in 1798–99 with resolutions passed by their respect-

ive legislatures; but Madison had never been satisfied with this course, and before it was agreed upon, had plainly intimated to Jefferson his belief that, as the constitutions had been ratified by state conventions and not by state legislatures, vital expressions on constitutional construction ought to come from special conventions also.

The election of delegates proceeded at once, and the convention met on Monday, November 19, 1832, in the hall of the House of Representatives. The governor, James Hamilton, Jr., was elected president.

The handful of Unionists who were present, fought in the face of tremendous odds and were soon annihilated. One of them, Henry Middleton, formerly governor, and recently returned from his mission to Russia, offered a resolution to the effect that the convention did not represent the people of the state, because the delegates had been chosen on a property basis, instead of by the aggregate number of freemen. He insisted, therefore, that they ought not to consider the questions presented to them, but refer them to another convention to be constituted upon broader lines. The leaders on the nullification side were MacDuffie, Hayne, Harper and Turnbull. All of them had formerly been nationalists, and MacDuffie accepted nullification as a program and not as a creed. They were now devoted lieutenants of Calhoun, and were united in loyal obedience to him. He did not, however, compose any of the fulminations which the

convention put forth, but they were all intended to meet his views and doubtless did so. The body performed its work with business-like dispatch. Having brushed aside Middleton's obstructive motion, a committee of twenty-one was selected, which promptly brought in a report embodying the usual arguments against the tariff, and basing the right of nullification upon the theory of government set forth in the Kentucky and Virginia Resolutions. This was written by Hayne. On Saturday, November 24th, the ordinance written by Harper, to nullify the tariff laws of 1828 and 1832, was adopted by a vote of one hundred and thirty-six ayes to twenty-six noes. A part of it was constructed with a view to rendering it impossible that nullification should be a futile suit at law, as the Unionists' address had affirmed it must be. The ordinance declared that the two tariff laws were "null, void and no law, nor binding upon this state, its officers or citizens"; that it should be the duty of the legislature to enact measures to give effect to the ordinance and prevent the enforcement in the state of the nullified laws after February 1st next; that in no case involving the validity of the ordinance before a court of the state should an appeal be allowed to the Supreme Court of the United States under penalty of punishment for contempt of court; that all officers of the state (members of the legislature excepted) should take an oath to obey the ordinance under pain of forfeiting their offices if they refused; that all jurors in any case in which

the ordinance might be in question must take the oath also; and finally, that to make "the government of the United States, and the people of the co-states" understand that the state would not submit to be reduced to obedience by force, it would consider the passage by Congress of any act authorizing the employment of a military or naval force against it, or any act closing its ports or designed to coerce it, as null and void, "as inconsistent with the longer continuance of South Carolina in the Union," as dissolving all political connection with the people of the other states, and that South Carolina would then "forthwith proceed to organize a separate government, and do all other acts and things which sovereign and independent states may of right do."

This fateful document was signed with much solemnity and pomp of circumstance, first by Governor Hamilton as president of the convention, and then by each of the one hundred and thirty-six delegates who had voted for it. Among the signers were representatives of the foremost families of South Carolina: four Pinckneys, a Gaillard, a Barnwell and a Porcher, for example; but many great names were not in the list, there being, for instance, no Hugers, Pringles, Draytons or Middletons.

Following the ordinance, an address to the people of the state was agreed to. It was written by Turnbull and clung to the familiar line of argument. It called upon all South Carolinians to face the crisis, invoked them in the name of the Constitution "and of that Union which you are all desirous to perpet-

uate," and in the name of the state, their "only and lawful sovereign," to do their duty to their country and leave the consequences to God. Then came an address to the people of the United States, written by MacDuffie, but the convention did not give it this title. As adopted, it was an "Address to the People of Massachusetts," etc., each state in the Union being named; and when the nullifiers wished to shorten the title, they called it the "Address to the People of the Co-States." The governor so referred to it when he transmitted it to the legislature. People who were using such unwonted language—for it is safe to say that no man had until recently ever heard of "the people of the co-states"—might have uneasily reflected that their ideas were as unnatural as was their language. Nevertheless, the address professed to set forth what had always been the true meaning of the Constitution, and announced that, while the people of South Carolina still cherished a rational devotion to the Union, they would not hesitate to surrender the Union in order to preserve their liberty. They were ready, they said, to vindicate their rights, if necessary, without the encouragement of a single other state. The nature of the taxation which they were willing to accept was then unfolded. All the articles now protected by the tariff must come in free, and revenue be derived from unprotected articles; or, if duty was levied on protected articles, there must be an excise tax of the same amount on like articles made in the United States. As a conces-

sion, the same duty might be imposed upon protected as upon unprotected articles, in case no more revenue should be raised than was necessary for government purposes. If South Carolina was driven out of the Union, all of the Southern planting states and some of the Western states would surely follow her.

Neither in the address, nor in any other utterance of the convention, was there mention of slavery. The question, being for the moment behind the screen, was not alluded to as present in the mind of any one.

If Calhoun had written the ordinance and the addresses, they would have been colder in tone and more scientific in construction, but he would not have changed the arguments, which were meant to be only Calhounism heated up. They were overdone, in fact. There was a painful suggestion of braggadocio about them. The spectacle was one which might become ridiculous, for South Carolina was a very small political entity to talk in a tone of confident dictation to the whole United States.

The convention having adjourned, the legislature met to give legal effect to its work. The governor's message declared the ordinance of nullification to be the fundamental law, and recommended that a force of 10,000 troops be raised so that the state might be prepared to resist Federal coercion ; but the message was not an intemperate one, and it was noteworthy that it held out the hope of an adjustment of pending difficulties by a convention of all the states. The legislature then passed three im-

portant laws. One provided that an importer could recover his goods, if they were detained for non-payment of duty, by an act of replevin. The second prescribed, as a test oath for all officers of the state, except members of the legislature, that they must swear to "well and truly obey, execute and enforce the ordinance to nullify certain acts of the Congress of the United States." The oath was to be taken by the judges also. The third ordered that if the United States should undertake to execute any of the nullified laws, the governor should have authority to resist the movement by force. The militia was increased, and an extensive purchase of arms was authorized. These laws were passed by a vote of eighty-eight to twenty-two in the House and thirty to eleven in the Senate. The condition of unanimity which Calhoun desired was apparently approaching. The legislature also instructed the governor to propose to the governors of the other states a convention to consider the dispute between the state and the general government. Calhoun did not wish such a meeting to be held until South Carolina's interposition had actually taken place, as it was only then that the necessity of acting on the point of difference between the state and the Union would exist. In any event, there was no probability that a convention, if agreed to, could assemble before February 1st, when the ordinance was to go into effect.

Calhoun's plans now required him to enter another field of activity. As the chosen leader of his

state, his position would be most embarrassing and equivocal in a contest with the United States, of which he was the Vice-President. He decided, therefore, to resign the vice-presidency and go to the Senate in Hayne's place, the latter being at the same time elected governor. The scheme was not wholly agreeable to Hayne, who was quite willing to return to Washington, and again to grapple with Daniel Webster or any one else. But the leaders insisted upon it, and on December 10th the legislature elected Calhoun a United States senator. More than two weeks elapsed, however, before he sent the following letter to Washington:

"*Columbia, S. Carolina. 28th Decr. 1832.*

"SIR,

"Having concluded to accept of a seat in the Senate, to which I have been elected by the legislature of this state, I herewith resign the office of Vice-President of the United States.

"Very respectfully,

"Your ob sert

"J. C. CALHOUN.

"HON. H. LIVINGSTON,

"*Sec. of State.*"[1]

There were no precedents for his act and it has not formed a precedent. He addressed the Secretary of State (inadvertently writing the initial of his Christian name incorrectly), because that officer receives the returns of the votes of electors for President and Vice-President and transmits them to

[1] Department of State Manuscript Archives.

the President of the Senate and the Speaker of the House. He could not resign to the electoral college by which he had been elected, because it was not in existence; nor to the Senate, because he had not been elected by that body; nor to the President, whose status was the same as his own. The Secretary of State delayed acknowledging his letter for so long that, in the course of three weeks, Calhoun wrote to ask whether he had received it. There was nobody to accept the resignation. When the Senate met on December 3d, the Vice-President was absent and Hugh L. White of Tennessee was elected president *pro tempore*. No other official notice was taken of Calhoun's absence, and his resignation was never brought before that body.

On January 4th he appeared in his seat as senator from South Carolina, and the galleries were crowded with visitors, who had come to see him take the oath to support the Constitution. His arrival was dramatic, but his journey to the national capital had been still more so. He left South Carolina the foremost man in the state, followed by the blessings and plaudits of the people; but as he proceeded northward, crowds came to see him, impelled by curiosity rather than admiration. They looked upon him as a marked man, for he was at the head of the first state which had ever completely defied the Federal government. Many of them thought he was a doomed man, for he had defied Andrew Jackson. With the memory of Ambrister and Arbuthnot before them, they asked, Would Jackson hang

him? The old man hated him, and when he was dying fifteen years afterward, declared that he would have hanged him if his state had actually nullified, and that the world would have applauded his act. But Jackson loved South Carolina, the state of his birth, and clung tenaciously to the hope that she could be saved by the Union party. Nevertheless, he did consider the advisability of bringing Calhoun and his associate leaders to the bar of justice on a charge of treason, and was probably deterred from doing so only by the advice of cooler heads, who must have shown him that the crime had not yet been actually committed.

When the ordinance of nullification was passed, a properly certified copy, exclusive of the names of the signers, was sent to Jackson, being received on December 3, 1832, and it now reposes in the archives of the State Department. On December 10th, while Calhoun was still Vice-President, but while he was in South Carolina, Jackson hurled at him a reply to his theory of government in the shape of an official proclamation. Congress had already met and he might have sent it a message, but he chose the more striking method of a direct communication to the public. Although his right to issue the proclamation was questioned, there was really no doubt on the point, his authority being derived from the universal practice of the head of a state to proclaim laws and public acts, and sometimes, *quo ad terrorem populi* to admonish them to keep the laws.

The Nullification Proclamation, as it is called, is

the longest proclamation ever issued by a President, and is the greatest state paper ever signed by Jackson. To him undoubtedly belongs the chief credit for it; because he ordered it to be written and made notes for its contents, the responsibility for it was his. It was, however, Edward Livingston's master mind which wrought it out. There are conflicting stories on this point, and Jackson's biographer, Parton, has printed one which is commonly accepted, but is obviously apocryphal. In the first place, we may look in vain for any writing of Jackson's, suggesting the possibility of his composing such a state paper as the Proclamation. His powers lay not in that direction; whereas any one who will examine Edward Livingston's speeches in Congress in 1794, '96 and '98 and 1824 will find paraphrases of large parts of it. The argument in this paper must be set down here, because it shows the attitude of the administration toward Calhoun and his party; and because it made his position hopelessly untenable toward the rest of the country, and especially toward the Democratic party, with which he had heretofore affiliated, and with which he must affiliate again, if he was to expect any national preferment. The Proclamation went farther than most Democrats would go in the views that it put forth against the right of secession; but it correctly expressed those views so far as the right of nullification was concerned, and fortified them against it. As the Calhoun Exposition marked an important point in the development of the theory

of state sovereignty, so was the Proclamation epoch-making in the development of national sovereignty. The one was a mighty stride toward secession, and the other a mighty stride toward the resistance of secession.

The nullification ordinances of South Carolina are founded, said the Proclamation, "not on the indefeasible right of resisting acts which are plainly unconstitutional and too oppressive to be endured, but on the strange position that any one state may not only declare an act of Congress void, but prohibit its execution," and at the same time remain in the Union. Now, if a law was unconstitutional, there were two appeals open—one to the judiciary, the other to the people of the states. The Constitution is the supreme law of the land, and the judges are bound by it, "anything in the constitution or laws of any state to the contrary notwithstanding;" so that no state law could interfere with the appeal. Suppose the South Carolina doctrine had been invoked by other states from the time the Constitution went into operation. Pennsylvania deemed the excise law unconstitutional in 1792; New England the embargo and non-intercourse acts twenty years later; Virginia the carriage tax. If the nullification system had been put into operation, how long would the government have lasted? It would, at any rate, have gone down in disgrace in the second war with Great Britain. The right of nullification was a new discovery. "To the statesmen of South Carolina belongs the invention," said the Proclama-

tion, "and upon the citizens of that state will unfortunately fall the evils of reducing it to practice."

The Proclamation then showed the evils we had endured under the meagre government of the Articles of Confederation, and how the Constitution, framed to remedy those evils, was all in vain if the South Carolina doctrine should prevail. The design of the Constitution was "to form a more perfect union." How could it be said that this was accomplished, if the union was at the mercy of the local interest of a state or the prevailing faction in a state? "I consider, then," it went on, "the power to annul a law of the United States, *incompatible with the existence of the Union, contradicted expressly by the letter of the Constitution, unauthorized by its spirit, inconsistent with every principle on which it was founded, and destructive of the great object for which it was formed.*" It was then pointed out that the act of nullification assumed the obnoxious laws to be passed for the purpose of protecting manufacturers; yet while it was admitted that power was given to Congress to lay and collect imposts, it was, nevertheless, insisted that the *motives* of those who passed the laws were unconstitutional. Who, then, was to decide on a motive and a purpose? If a state might do so, every law could be set aside under the pretext of an unconstitutional motive.

As for the laws in question operating unequally, every law that ever was passed did so, and every law could consequently be set aside. We had given a great devotion to the Constitution; "was our de-

votion paid to the wretched, inefficient, clumsy contrivance which this new doctrine would make it? Did we pledge ourselves to the support of an airy nothing—a bubble that must be blown away by the first breath of disaffection? Was this self-destroying, visionary theory the work of the profound statesmen, the exalted patriots, to whom the task of constitutional reform was entrusted?" As for the tariff laws raising more revenue than the government required, was one state to have the power to decide on that point in place of the representatives of all the states? And as for the allegation that the revenue raised would be unconstitutionally applied, how could this intention be judged in advance?

Concerning the main features of the ordinance, it was asked, "What are they? Every law, then, for raising revenue, according to the South Carolina ordinance, may be rightfully annulled, unless it be so framed as no law ever will or can be framed. Congress has a right to pass laws for raising revenue and each state has a right to oppose their execution—two rights directly opposed to each other; and yet is this absurdity supposed to be contained in an instrument drawn for the express purpose of avoiding collisions between the states and the general government by an assembly of the most enlightened statesmen and purest patriots ever embodied for a similar purpose."

The Proclamation then spoke of the provisions of the Constitution for raising revenue. "Vain provisions! ineffectual restrictions! vile profanation of

oaths! miserable mockery of legislation! if a bare majority of the voters in any one state may, on a real or supposed knowledge of the intent with which a law has been passed, declare themselves free from its operation; say, here it gives too little; there, too much, and operates unequally; here it suffers articles to be free that ought to be taxed; there it taxes those that ought to be free; in this case the proceeds are intended to be applied to purposes which we do not approve; in that, the amount raised is more than is wanted. . . . But *we*, part of the people of one state, to whom the Constitution has given no power on the subject, from whom it has expressly taken it away; *we*, who have solemnly agreed that this Constitution shall be our law; *we*, most of whom have sworn to support it—*we* now abrogate this law and swear, and force others to swear that it shall not be obeyed; and we do this not because Congress have no right to pass such laws—this we do not allege—but because they have passed them with improper views."

Turning to a consideration of South Carolina's threat to withdraw from the Union if her right to nullify obnoxious laws was denied, the Proclamation insisted that the United States was a government, not a league; that all the people were represented in it, and that it operated directly on the people individually and not through the states; and that a state, never having as a state formed any league, did not have the right to secede, since to do so would not break a league but destroy the unity of a

nation. Secession as a revolutionary act might be justified in case of extreme oppression, but to call it a constitutional right was only to deceive those who would pause before entering upon a revolution, and who were not aware of the pains they would suffer if an attempted revolution should fail. The states had not retained their entire sovereignty. Among other powers, they had given to the nation the right to punish *treason* against the United States. Treason was an offense against sovereignty and sovereignty must reside with the power to punish it. Secession was also an infringement upon the rights of other states, and in self-defense they could not permit it.

Then the President appealed to the people of South Carolina: "Fellow-citizens of my native state, let me not only admonish you, as the first magistrate of our common country, not to incur the penalty of its laws, but use the influence that a father would over his children whom he saw rushing to certain ruin. In that paternal language, with that paternal feeling, let me tell you, my countrymen, that you are deluded by men who are either deceived themselves or wish to deceive you. Mark under what pretenses you have been led on to the brink of insurrection and treason on which you stand. . . . Eloquent appeals to your passions, to your state pride, to your native courage, to your real sense of injury, were used to prepare you for the period when the mask which concealed the hideous features of *disunion* should be taken off. It fell, and you were made to look with complacency

on objects which not long since you would have regarded with horror. Look back to the arts which have brought you to this state; look forward to the consequences to which it must inevitably lead! Look back to what was first told you as an inducement to enter into this dangerous course. The great political truth was repeated to you that you had the revolutionary right of resisting all laws that were palpably unconstitutional and intolerably oppressive. It was added that the right to nullify a law rested on the same principle, but that it was a peaceable remedy."

The protective principle at one time had been advocated by some of the very men who were now leaders in South Carolina. How, then, could these men say that laws based upon that principle were *palpably* unconstitutional? Carolinians were reminded that the great men of their state had done much to make the Union which their descendants seemed so anxious to destroy. "For what, mistaken men? For what do you throw away these inestimable blessings? . . . For the dream of a separate independence—a dream interrupted by bloody conflicts with your neighbors and a vile dependence on a foreign power." Let them reflect whether they would, even if independent, be free from civil dissension; but an attempt at secession could and would not succeed, as the President was sworn to execute the laws and intended to do so. "Disunion," he said, "by armed force is *treason*. Are you really ready to incur its guilt? If you are, on the heads

of the instigators of the act be the dreadful consequences; on their heads be the dishonor, but on yours must fall the punishment." They were advised to retrace their steps: "Snatch from the archives of your state the disorganizing edict of its convention; bid its members to reassemble and promulgate the decided expressions of your will to remain in the path which alone can conduct you to safety, prosperity, and honor. Tell them that compared to disunion all other evils are light, because that brings with it an accumulation of all. Declare that you will never take the field, unless the star-spangled banner of your country shall float over you; that you will not be stigmatized when dead, and dishonored and scorned while you live, as the authors of the first attack on the Constitution of your country. Its destroyers you cannot be. You may disturb its peace, you may interrupt the course of its prosperity, you may cloud its reputation for stability; but its tranquillity will be restored, its prosperity will return, and the stain upon its national character will be transferred and remain an eternal blot on the memory of those who caused the disorder."

The Proclamation closed with an appeal to the people of the United States for support in the execution of the laws and the preservation of the Union, and with a solemn prayer to Heaven to let the enemies of the republic see their folly before they should feel the miseries of civil strife.

CHAPTER XII

A MAN WITH A MISSION

EARLY on the morning of December 17th, the Proclamation reached Columbia, and as soon as it was read, the sober-minded realized, more fully than before, that they were facing a situation, the full gravity of which could not well be exaggerated. They could not draw back, however, even if they would, for they were pushed forward by popular feeling which they could not check.

The legislature promptly called upon Governor Hayne to reply to the Proclamation, and passed resolutions of dissent to it. One resolution was, "that the primary and paramount allegiance of the citizens of this state, native or adopted, is of right due to this state;" another asserted the right of secession, and was passed by a vote of ninety-four to seven in the House and twenty-seven to five in the Senate. Hayne's counter proclamation appeared in two days' time; but it bore no evidence of hasty composition, being, in fact, an able document, well thought out, and, the nullifiers were convinced, a greater than the proclamation it answered. It avowed devotion to the Union and the Constitution, but a determination to resist any attempt of the President to enforce the tariff laws. It was not intemperate in tone,

and parts of it were calculated to dampen the ardor of the people. South Carolina, it said, might be crushed as Poland had been, but she would have the proud consciousness of having done her duty. Now, no people likes to look forward to the certainty of being crushed, even as a consequence of doing its duty, and these two proclamations, the one threatening and the other admitting the threatener's power, offered anything but an agreeable prospect.

MacDuffie, however, insisted that the ordinance should go into effect so that the world should see it was a peaceable remedy. He wrote privately on December 26, 1832 :

"Unless General Jackson announces war upon the state, by an indiscriminate attack upon men, women and children, there can be no necessary violence used ; for the state will proceed calmly on in the civil tribunals, without paying the slightest attention to the military parade or to the mad ravings of this driveling old dotard." [1]

The "driveling old dotard" had been for some time in confidential communication with Poinsett and other Unionists. He had reinforced the military posts in and about Charleston, and he sent General Winfield Scott to command them. Scott put himself in touch with the leading friends of the Union in South Carolina and followed the plans they advised, which did not include the use of force if it could possibly be avoided. But Hayne, as governor of the state, had a harder task than Scott, for he

[1] Crallé MSS.

must keep the nullification forces embodied and permit recruiting to go on, while he restrained them from action. He was haunted by the fear that at any moment there might be an armed collision between nullifiers and Unionists, when civil war would certainly ensue. He managed the situation with skill and steadfastness of purpose, and after tranquillity was restored, it was agreed by both parties that the state owed him a great debt of gratitude. For example, when the excitement was at its height, he was told that a company of Unionists was about to seize a vessel which had just arrived in Charleston harbor laden with arms for the state; but he refused to order out a company of troops to protect it, knowing that their appearance would lead to hostilities and bloodshed. It was the immediate danger of conflict with the Unionists which impressed the nullifiers more than any other, and they knew that while the Unionists were only a minority, they would never yield their position.

They furnished proof of what their attitude was in the Union convention which met in Columbia immediately after the nullification convention had adjourned, and while the legislature was in session. It was attended by about 180 representative men. Randell Hunt, a young lawyer and scholar from Charleston, epitomized the attitude of his party in three resolutions:

"That the Union party acknowledges no allegiance to any government except that of the United States.

"That in referring this resolution to the general committee, they be instructed to inquire whether it is not expedient to give a military organization to the Union party throughout the state.

"Whether it will not be necessary to call in the assistance of the general government for maintaining the laws of the United States against the arbitrary violence which is threatened by the late convention."

Poinsett read a letter from Jackson, in which he said that if Hayne raised an army, it would be treason. Memminger, afterward Secretary of the Treasury of the Confederacy, submitted a plan of defensive military organization which was adopted. Poinsett was selected as commander-in-chief and division commanders were named for the different sections of the state, Robert Cunningham, Calhoun's law pupil, being assigned to the Pendleton district. Petigru delivered one of his strongest speeches, and appropriate resolutions were adopted. One pointed scornfully to the provisions being made by the state authorities for a standing army, and said it could not be pretended that such an army would be able to protect the state from the coercive power of the United States. Its purpose must be, therefore, to tyrannize over Carolina Unionists.

The people seemed to think civil war was upon them. The Greenville *Mountaineer* said that the people of that section, which was near Calhoun's home, were ready at a moment's warning to march in defense of the national authority. A nullification lady wrote to her husband in the legislature :

"Our castle will be well filled in case of an attack. I have offered rooms to all our nearest friends. . . . Stand by your country and I will never desert you."

A lady in Charleston, Mrs. S. Gilman, whose husband, a clergyman, had written a patriotic ode for the Union celebration of July 4, 1831, and to whom, in consequence, his admirers had presented a large silver vase, wrote to her sister in Boston, January 17, 1833:

"Everything now depends on Congress, for if they have any excuse, I think the state rights party would draw back. . . . Should serious evils arise, we may send on our girls and the Union vase, but we shall stay ourselves at the South as long as we can do good; every moment, however, feeling how grateful we ought to be, that we have arms at the North open to receive us."

Some months later, on December 17, 1833, she wrote again:

"To think, Louisa, that we should live to see a civil war! Our nullifiers are just as determined and the men are just as conscientious as the Whigs of '76. . . . Families are sadly divided. Mr. Webb, for instance, who is a Union man, an officer in the State Bank, will have to take the test oath. Thomas Webb, his son, is a nullifier, an officer in a new corps of artillery, got up for the express purpose of defending the state. They do not speak on politics to each other. 'I hope,' said Mr. Webb mournfully, the other day, 'if they drive me from

South Carolina, they will give the fruits of my labors to my son.' " [1]

Men like Mr. Webb and Randell Hunt would have to be driven from the state if the nullifiers were to carry out their plans. As long as they were there, they stood in the way to obstruct the proceedings of the nullification party and weaken the force of the movement outside of the state, by showing that the state was divided against itself on the subject.

While the newspapers were filled with notices of the enrollment of volunteers, and the blue cockade with a palmetto button which the nullifiers had adopted as a badge was being mounted on all sides, Calhoun was performing his allotted task at Washington. It was in a crisis of this kind that his talents were best displayed, and he rose to meet a great occasion. The young nationalist who had taken his place in the front rank in Congress and led the country into the War of 1812 with so much impetuous dash, had become in maturity cool, resourceful, sure of himself, and skilled in the use of his powers. He was certain of the justice of his cause, and it was his own. It had always lurked in the background of state sovereignty, but he had brought it forward into the light. He had not inspired nor even participated in the movement which was behind it, until it was fully formed and was on its way in another direction ; but it was he who had

[1] Family papers of the late Mrs. Francis J. Lippitt, of Washington.

led the movement into nullification ; it was he who had expounded the doctrine and erected it into a completed theory of government. He believed in it as a zealot believes in a religion. He had found his mission on earth ; it was to preach the gospel of nullification.

He was now fifty years old and his health was still good. His dark brown hair was streaked with white and he wore it brushed straight back, so that it fell thickly about his temples and ears, framing his high massive forehead. From underneath his heavy eyebrows shone the wonderful gray eyes, changing with his changing emotions,—at times deepening into gloom, at times burning with enthusiasm, and at times beaming with kindness. His nose was prominent and straight, and his mouth large, with compressed lips which smiled readily in private intercourse, though he seldom laughed. His neck was long and thin and his frame generous of bone but spare of flesh. His chest had already shown signs of weakness, and to protect it he wore under his clothing a large sheet of paper. His figure was erect and his movements were deliberate. His hands were thin and small. In conversation, he gesticulated little, and in public speaking only with his right hand. His foot was long and flat and he wore boots. He was dressed on all ordinary occasions in a full suit of black broadcloth, with a high black stock and a tall beaver hat. To spectators who gazed upon him from the Senate gallery, he gave the impression of a man of sombre nature, but

in private life he was not an unhappy man. He was benignant and even genial; he loved his fellow man and took the trouble to be agreeable and pleasant to him; he was fond of women's society and always noticed children. He drew others into conversation easily, but among men he was becoming a bad listener. Being one who was consumed by a faith, he felt that he must preach it to make the wavering embrace it, to convert the unbelieving, and to keep the faithful steadfast. When he talked upon the subject of constitutional construction—and he talked upon it whenever he could—he preached. He would pause if the listener replied, but not having observed what the latter said, would proceed with his discourse, his train of thought not having been disturbed.

When he rose in the Senate chamber to speak, he was heard in debate for the first time in fifteen years. How lonely his position was! As Henry Clay said, "Not a voice beyond the single state of South Carolina had been heard in favor of the principle of nullification;" and it was not even a united voice there. James Madison, the patriarch, father of the Constitution, roused from his retirement, and came forward to say that the Resolutions of 1799 contained no seed to produce this noxious plant; Jefferson's friends swore that it was not a legitimate growth from the Kentucky Resolutions; and here was Edward Livingston, who thirty years before had uttered extreme sentiments against the power of Congress to enact the Alien and Sedition

Laws, now writing down nullification as treason. But the great nullifier stood steadfast for what he was convinced was the right, and in Congress the tone toward him was one of respect for his opinions and belief in his sincerity. From people outside, however, he received galling evidence that many of them looked upon him with abhorrence. Threatening anonymous letters were in his mail; one contained a picture of a gallows with a coffin lying at the foot; another a piece of hemp as a reminder of the hangman's rope.

On January 16th Jackson laid before Congress full information concerning events in South Carolina, sending copies of the ordinance of nullification and the consequent documents, including Hayne's proclamation and the acts of the legislature to carry the ordinance into effect. The accompanying message told of the military plans which were being made by the state to resist the revenue laws, and the President admitted that he had not supposed that it would so soon proceed to extreme measures. As the ordinance of nullification was to go into effect on February 1st, he asked that additional authority be conferred upon him at once to enforce the tariff laws. He privately informed Poinsett, however, that if Congress failed to act upon his recommendation, he would, immediately upon hearing of any assemblage in South Carolina to oppose the government of the United States, order into the field a sufficient force to arrest the leaders and hand them over to the judiciary. If necessary, he said, he was

prepared to march 200,000 men into the state. He constantly repeated that the Federal government was ready to coöperate with the Unionists and would act on their initiative.

On the day Jackson's message was received in the Senate, Calhoun spoke in deprecation of the ideas which it conveyed. There was not a shadow of foundation, he said, for the statement that South Carolina had done anything in hostility to the Union. Military preparations were being made solely to defend the state against the Federal forces which had been recently gathered at Augusta, Ga., on the border, and at Charleston. This was not all the truth, for Calhoun knew that the nullifiers had raised an army to operate against the Unionists, as well as to defend the state against the Federal forces.

On January 21st a bill was introduced to enable the President, whenever the administration of the revenue laws might be obstructed, to employ force to execute them, and to extend the jurisdiction of Federal courts to cases arising under them. This became known as the "Force Bill." The day after it was presented, Calhoun offered three resolutions:

(1) That the states were parties to the Constitution and the Union as separate sovereignties;

(2) That they had delegated certain defined powers and no more to the Federal government, and when powers not delegated were exercised, the acts were null and void, the judges of the infraction being the parties to the compact;

(3) That the idea that the people of the United

States formed a nation was a present and an historical fallacy.

Perhaps on the direct question, a majority of the Senate would have been obliged to endorse these resolutions, and if Calhoun could have confined the debate to them, he might have stood a chance of leading on to an admission of the right of nullification as a corollary; but his state rights colleagues would not let him control the situation, and Mangum of North Carolina offered as a substitute, a simple pronouncement that Congress had power to make tariff laws and South Carolina no right to resist them. With Calhoun's and Mangum's resolutions and the Force Bill as texts, the debate proceeded, the field against Calhoun. Although Tyler of Virginia, Bibb of Kentucky, and Mangum and Brown of North Carolina opposed the Force Bill, they gave him no other support. While the discussion was in full progress, on February 12th Henry Clay arose to ask permission to introduce a bill to modify the tariff, and when Calhoun announced that he would vote for the permission, in the hope that a way was opening to bring to an end the deplorable agitation then distracting the country, there was tumultuous applause in the galleries, for it was realized that an arrangement had been reached for a compromise which would save the Federal government from the necessity of subduing a state by force of arms. Hardly any one wanted to invade South Carolina by an army. Nearly everybody was anxious to find a way of keeping her in the Union as a loyal state,

instead of turning her into a disloyal conquered province.

On February 15th, Calhoun began the most important speech that he had ever made, lasting for two hours. It was a supreme effort and fulfilled the utmost hopes of his followers. He spoke for his state with an air of confident authority, and in defending her defended himself. South Carolina, he said, had not claimed a right to annul the Constitution; nor to resist laws made in pursuance of the Constitution, but those made without its authority. She claimed no right to judge of the delegated powers of the Constitution, but of the powers which were expressly reserved to the respective states. The reservation was against the United States, and extended, of course, to the judiciary, as well as to the other departments of government. He defended himself from the charge of having been a protectionist in 1816. The tariff then adopted had been primarily a revenue measure, framed with reference to the need of reducing the public debt. It had in it, he admitted, two capital errors—too low a duty had been put on iron, which had proved injurious to Pennsylvania, the chief iron-producing state, and caused a reaction that had thrown it decidedly on the side of a protective policy; and too high a duty had been put on coarse cottons, which had introduced the minimum principle. Here the principle of protection had been recognized, and he blamed himself for having accepted it, his excuse being that the doctrine was then new, and his attention had

been engrossed by the question of the currency, which was especially in his charge. He said, however, that his chief speech in favor of the tariff had been impromptu, and made at the request of his friend, Samuel D. Ingham, without previous preparation. The bill was constitutional and he pressed into service all arguments to show its beneficial operations, without taking into consideration whether the subject to which the arguments referred was within the Constitution or not. By this act had he committed himself to the system of oppression which had since enriched one portion of the country at the expense of the other?

South Carolina had never ceased to hope that Congress would afford relief from the oppression of subsequent tariff acts till the law of 1828 showed that it was idle to hope longer. Then she turned her eyes for a final remedy to her reserved powers, and commenced an inquiry into their nature and extent and the means of resistance which they afforded against the encroachments of the general government. He accepted, as applying to himself, that part of the President's proclamation intimating that the nullification leaders were actuated in their course by disappointed ambition, and repelled the charge, pointing to his casting vote in the Senate against the tariff bill of 1827. His political fortunes had been much injured by that vote which he could easily have avoided. One sentence in the speech deserves particular attention. We have seen that Calhoun believed that, so soon as the surplus revenue

began to be distributed, the states would all favor the tariff. That they were looking forward to such a distribution, he said, was now indicated by the "extraordinary movements which took place at the last session in the Virginia legislature, in which the whole South is vitally interested. It is impossible to believe," he continued, "that that state could seriously have thought of effecting the scheme to which I allude by her own resources, without powerful aid from the general government."

The "extraordinary movements" to which he referred were the efforts in behalf of the colonization society's work. This was the only allusion that he made at this time to the subject of slavery. The rest of his speech followed the familiar constitutional ground and he covered it with relentless completeness and impeccable logic.

So far as the defense of his consistency went, it was lame. The tariff of 1816 was quite different from the subsequent laws; but Calhoun, not only once but on several occasions, when the bill of 1816 was pending, pronounced himself a protectionist, and he had thereafter received without protest the praise of protectionists, and had been enrolled as one of them. As for the change in his constitutional views, he spoke of himself when he referred to the inquiry his state had made into the reserved powers in search of means of escaping from oppressive laws. The explanation was frank and rendered further apology unnecessary. He had not thought ahead of the times nor beyond his surroundings.

Daniel Webster, who now replied to the constitutional arguments in the speech, was in no better situation than Calhoun, so far as consistency went; for in 1816, when the latter was leading the House as a nationalist, he was one of the group of unpatriotic sectionalists who opposed the Southerner's course.

The forensic duel which took place between Webster and Calhoun was watched with intense interest, and the latter's friends were perfectly satisfied that he was the victor. John Randolph, of Roanoke, sat in the Senate when the great nullifier was replying to his opponent, and a hat on the desk in front of him interfering with his view, exclaimed, "Take away that hat. I want to see Webster die muscle by muscle!" On the other hand, Andrew Jackson wrote privately to Poinsett that Calhoun's speech had been a perfect failure and that Webster had handled him like a child. A good many people, he added, thought Calhoun to be demented. The senators did not believe this, however, and his address raised him in the estimation of his foes as well as his friends, for he spoke with calmness and dignity, and with greater force than any man among them.

In the House the contest had been even more one-sided, since both South Carolina senators were nullifiers, whereas among the nine Carolina representatives four were Union men;—William Drayton of Charleston, Thomas R. Mitchell of Georgetown, James Blair of Lynchwood, and Calhoun's fast friend at college, John M. Felder, of Orangeburg.

All of these but Felder had voted for the Force Bill. Blair in his speech insisted that this measure should pass, in order that the Federal government might show that it supported the Carolina Unionists. He arraigned the nullifiers, but declared that those who denied the right of nullification and upheld the right of secession, occupied an untenable position. For himself he denied both with equal earnestness.

When the compromise tariff bill came before the House, not all of the South Carolina Unionists were willing to accept it, and sentiment in the state was generally against such a course. "The example would be fatal," said the Charleston *Patriot*,—"the precedent destructive of all good government, if Congress should legislate with an edict of nullification suspended over their heads." In Congress, however, there was never a doubt of the passage of the bill, except for a brief period, when, in the course of the debate, John Quincy Adams introduced the subject of slavery. By a play upon words he contended that the protection which Northern labor enjoyed from the tariff was no greater than the protection slavery enjoyed under Federal laws. William Drayton replied in a fury of rage, and for a time the debate threatened to go in a direction where all Southerners would be compelled to stand together. The House, however, refused to be driven into a discussion of the slavery question, and the tariff bill was passed on February 26th, just after the Force Bill.

Now, as soon as the Force Bill became a law,

South Carolina, according to her formally announced plan, should have left the Union. The ordinance of nullification had declared that the passage of any act looking to the coercion of the state would be inconsistent with her remaining in the Union, and that she would at once proceed to form a separate government. Under the requirements of the ordinance, the state should have been in full enjoyment of the actual workings of nullification since February 1st, and it was now March 1st, and the ordinance had not been put into effect. Was it then only a *brutum fulmen*, and had the leaders never really expected it to go into operation? Certainly, Calhoun did not now want to see his theory tried, and advised that the date be postponed. There had been an informal meeting of nullification leaders, including Hamilton, the president of the nullification convention, on January 21st, at Charleston, where it was agreed to postpone the day upon which the ordinance should go into effect. The Unionists charged that the conclusion had been reached after an inspection of the military preparations of the general government; but apart from the evident fact that peaceable nullification would be impossible, it would have been folly not to have waited to see what Congress would do in response to the demands of the state.

Clay's compromise tariff bill had been introduced after a full understanding had been reached with Calhoun. In accepting the bill, he did no violence to his principles; for he had always declared that

he had no idea of suddenly withdrawing all protection from industries which protection had called into being. Clay and Calhoun having agreed on the bill, it was comparatively easy to pass it through Congress; but it was a different matter to cause South Carolina to accept the compromise and repeal her ordinance of nullification. The law retained the principle of protection and South Carolina had demanded its abandonment; but it provided for a gradual reduction of duties to the eventual point of almost free trade.

CHAPTER XIII

VICTORY TOO COMPLETE

CALHOUN knew that the result of the session of Congress would be received with anything but satisfaction by the people at home. There was a milder tariff bill partially to placate them; but there was a Force Bill wholly to irritate them, and it was doubtful if they could be persuaded to swallow a dose in which the bitter so much predominated over the sweet. Important influences, however, had been at work to bring them to an accommodating spirit.

Of all the states which passed resolutions against nullification, only Virginia did anything to keep South Carolina from putting the theory into effect. On January 26, 1833, in spite of the efforts of South Carolina nullifiers to prevent such action, the legislature of Virginia adopted resolutions urging her to rescind the ordinance of nullification, or at least suspend its operations till the close of the session of Congress. At the same time Congress was asked to amend the tariff. The resolutions declared devotion to the doctrine of state sovereignty, as laid down in the Resolutions of 1799, which, they said, sanctioned neither nullification, nor all of the principles announced in the President's proclamation against it. A commissioner was selected to present them to the

state, and tender his friendly offices of mediation between the state and the Federal government. Benjamin Watkins Leigh was named for the unusual service. He was received, at Columbia, by Governor Hayne as though he were a friendly legate from one independent sovereignty to another, but, while his mission was unprecedented in character, it was not forbidden by Federal law, and undoubtedly had a beneficial influence.

Hamilton called a second meeting of the convention for March 11th, the immediate purpose being to consider the proposals of Virginia and the compromise tariff bill. Everything depended upon the outcome of this meeting, and Calhoun felt it imperative that he should be present. If the convention should reject the tariff bill, as it was freely predicted it would, the situation would be rendered hopeless.

Congress adjourned on March 4th, only one week before the convention was to meet, and the distance between Washington and Columbia was more than 400 miles. It was the season of the year when the bad roads were at their worst, and an exceptionally cold winter had made them more impassable than usual. Accidents in traveling were then so frequent that it was always hard even to approximate how long a long journey would take. When Calhoun left Washington, the Potomac River was still frozen over, and there were no signs of spring. Crossing to Alexandria, he took the stage for the South, but the heavy vehicle made such slow progress that he soon abandoned it, and rode

in open mail-carts night and day, exposed to the inclement weather and indifferent to its effect upon him.

He arrived in Columbia the day after the convention had assembled, but before it had taken any action. As soon as it was called to order by Hamilton, Hayne was elected to preside, according to the plan formulated at the first session that the governor should be the president. On March 13th, a motion was made to have a committee wait upon the senators and representatives in Congress in the city and obtain from them a true account of the late proceedings at Washington. Calhoun was severely criticized for supporting the compromise tariff, and the motion was carried by a majority of only three votes. He was invited to take a seat in the convention, where the members remarked upon his haggard face and worn appearance caused by his hard journey and the weight of his anxiety. Although he did not speak, he influenced the proceedings by counsel with others, and what was done was in the main satisfactory to him. Stephen D. Miller, his colleague in the Senate, made a full explanation of events in Congress and urged an acceptance of the compromise. A committee of twenty-one brought in a report recommending this course and the passage of a resolution repealing the ordinance of nullification. There followed a hot debate, during which Robert Barnwell Rhett defied any man in the convention to put his hand upon his heart and say he loved the Union. Immediately an old nullifier

named Warren, who had lost a leg in the Revolutionary War, arose and declared that he had fought and bled for the Union, and that for one he loved it. Hamilton, Robert Barnwell and others spoke in deprecation of Rhett's remarks. The leaders were nearly all against him as were a majority of the delegates. They were weary of the strife, and wished for a restoration of harmony. So did the Unionist members. They had come to this second convention to see the ordinance of nullification rescinded, and they were willing to meet their opponents half-way. But a large number of the delegates were not disposed to let the occasion pass without dealing out punishment to a minority which had so persistently defied them and thwarted them. Turnbull, the author of "The Crisis," made a speech which the Unionists thought was worthy of a pitiless tyrant; John Lyde Wilson, an ex-governor of the state, also attacked them savagely, and Chancellor Harper, who had many friends in the group, shocked them by saying that they had been actuated by a rebellious spirit, which few states would have tolerated. Calhoun's friends and lieutenants did not stand with these extremists. His niece's husband, Armistead Burt; his colleague in the Senate, Stephen D. Miller; and his faithful follower, Hamilton, made every effort to convince the Unionists that Turnbull and Harper did not voice the sentiments of the majority of the nullifiers.

The Unionists were justified in doubting the correctness of these assurances, when they saw that

one of the ordinances reported to the convention contained a clause requiring every person who should hold office to take an oath of allegiance to the state and to abjure all other allegiance.

Turnbull had written this clause, and it came near wrecking everything. The debate was so acrimonious that physical strife was avoided only by a timely adjournment. The opposition was strong enough, however, to prevent the convention from embodying the oath in the ordinance, but allegiance was thus defined: "That the allegiance of the citizens of this state, while they continue such, is due to the said state; and that obedience only, and not allegiance, is due by them to any other power or authority, to whom a control over them has been, or may be delegated by the state." The General Assembly was authorized to provide a suitable oath binding officers and citizens of the state to this form of allegiance.

This was bad enough, and the convention adopted it by a majority of only six votes—seventy-nine to seventy-three. It formed a part of the ordinance nullifying the Force Bill which was passed by a large vote, although several leading delegates thought it a mistake to nullify the bill. Miller said truly that it would have been better merely to protest against the measure, because then several Southern states would support South Carolina, whereas in nullifying it she must stand alone; and MacDuffie, who was not always respectful toward nullification, remarked pri-

vately, "I should like to see you nullify the military provisions of that bill!"

Having adopted a courteous reply to the address of Virginia, in which it was insisted that South Carolina had not gone beyond the position sanctioned by the Resolutions of 1799, the convention dissolved on March 18th, after a session of one week.

The ordinances were signed only by the president, and not, as in the case of the main ordinance of nullification, by all the members. In fact, the second convention lacked the pathetic dignity which had characterized the proceedings of the first meeting. The members marching on the road to certain danger presented a finer appearance than when they were taking steps to put their lives and fortunes in safety again. They quarreled among themselves; no plan of concerted action had been carefully arranged for them, and no one felt pride in the course which they followed. They manifested an uneasy consciousness of diminishing importance. South Carolina accepting a compromise was not like South Carolina defying the nation; it was an anti-climax.

This second convention, however, did as much harm to the state as it well could by adopting the ordinance defining allegiance. If the legislature should prescribe an oath in full accord with the spirit of this ordinance, no Unionist would willingly remain in the state, for he would be obliged to forswear allegiance to the United States. What was become of that part of Calhoun's theory of

government, in which he showed how the majority must respect the rights of the minority if despotism were to be avoided, and that no far-reaching measure of importance should be put into effect unless the minority concurred? Although the prospect of a test oath was unbearable to the Unionists and disliked by many nullifiers, a ruthless majority was determined to force it upon the people. Accordingly, the legislature passed a law at the December, 1833, session, requiring all officers of the militia to take an oath of allegiance simply to the state of South Carolina. But the constitution of the state provided that all persons chosen for any office of trust should take an oath to "preserve, protect and defend the Constitution of this state, *and of the United States*"; so a case was made up to test the new oath in the courts.[1] It came finally before the Court of Appeals in March, 1834, and the arguments of counsel took a wide range, covering the familiar ground of state or Federal supremacy. They constitute, also, a most exhaustive and illuminating discussion of the true meaning of allegiance. Grimké and Petigru argued against the constitutionality of the oath, the former's plea especially being one of extraordinary fullness and power; and, in spite of popular clamor in favor of the oath, the court decided that it was unconstitutional, the concurring judges being John Benton O'Neil and David Johnson, both well-known Unionists, and the dissenting judge, William Harper.

[1] It is reported in 2 Hill's Reports.

Calhoun approved of the test oath. He held his faith too strongly not to be unjust toward those who denied it. As soon as the Court of Appeals had given its opinion, he advised his followers to work for the election of a two-thirds majority of the next legislature, so that the decision might be overcome by amending the Constitution. In due course the amendment was adopted, but it was a compromise, the form finally agreed upon requiring an oath to bear "true allegiance" to the state, and to "preserve, protect, and defend the Constitution of the state, and of the United States." Both Unionists and nullifiers, by applying opposing definitions to the meaning of the words "true allegiance," could take this oath. The same legislature which evolved it, abolished the Court of Appeals in resentment at the decision it had rendered.

The nullification incident might now be said to be closed. So far as the state was concerned, Calhoun's victory was complete, and his opponents were crushed almost to the point of annihilation. The victory was too complete, for it was followed by the peace of death, and almost unanimity of public opinion; nor was there ever again a healthy stimulus of active difference of opinion and robust opposition to the ruling party in South Carolina. A number of the strongest minds who had opposed Calhoun and would have kept up the fight against his tenets and disputed his control, left the state because of the tyrannical course pursued by his

party. Only a few of these refugees need be mentioned. Judge William Smith went to Alabama, where, to his dying day, the very name of Calhoun was hateful to him. Thomas Williams, his most devoted lieutenant in the Carolina legislature, accompanied him. William Drayton removed to Philadelphia. Theodore Gaillard Hunt and Randell Hunt went to New Orleans, where they continued the fight against Calhounism. Death fortuitously removed several of the Unionists. The intrepid Grimké died while he was on a visit to his brother in Ohio in 1834, soon after he had won the test oath case, and Judge William Johnson died in Brooklyn the same year. The pitiful remnant of the Union party which was left made no real resistance to the onward march of triumphant Calhounism. Petrigru returned to the practice of his profession and appeared no more in the political field. Poinsett and Legaré tried to ignore the visible consequences of the struggle. Daniel E. Huger, seeing no present danger of disunion, drifted with the tide which followed Calhoun. This became a deep, smooth-flowing stream sweeping on to the sea of secession, and nullification itself became engulfed in the greater doctrine. A few years after the nullification incident, William C. Preston, Calhoun's colleague in the Senate and an admirer of Henry Clay, endeavored to lead the state over to the Whigs, but the effort failed signally, and Calhoun's sway was never afterward seriously disturbed.

His victory was a costly one. He stood forth with fatal prominence; and as the man loomed larger, the state looked smaller. As his prestige increased, hers diminished, and the date of his undisputed ascendency is the date when she lost, never to regain it, the unique position of prominence and importance on the American continent which had been hers even from colonial times. Calhoun became more and more a force to be reckoned with in national affairs, and the state of less and less account. Her public men were no longer conspicuous. So absolutely were all eyes turned on him that others were not seen at all, unless they were his satellites.

CHAPTER XIV

CURBING ANDREW JACKSON

We now approach the third of the important phases of Calhoun's career, the other two being his service in the House of Representatives and his identification with South Carolina's resistance of the tariff. As Secretary of War and as Vice-President, no situations had been presented in which he could so distinguish himself as to acquire a place in history, and if he had not been a representative and a senator, he would not now be remembered. The nullification movement was, undoubtedly, the most important event in his political life. In its effects it was national as well as local and sectional. It formed the most conspicuous milestone on the road which led to the Civil War thirty years afterward; but its most noteworthy feature is that it was the first formal contest between the Unionists and the disunionists—a contest which Calhoun won for the disunionists in South Carolina, but which was waged unceasingly from that time on in all the other parts of the South.

The disunion sentiment throughout the South was tremendously accelerated by the success which was gained in South Carolina. It is true she had not nullified, as she had planned to do; but with the

ordinance of nullification leveled at it, Congress had altered the tariff with a view to satisfying her. The precedent was established, and similar threats in the future would produce similar results. The threats need not take the form of nullification—that precise plan was definitely abandoned after the one trial—but of some simpler form of resistance which everybody could understand.

Calhoun, having been the leader of the nullifiers, was soon to become the leader of the state sovereignty and slavery forces of the South, but at first he seemed to be entirely isolated. "I stand wholly disconnected with the two great political parties now contending for ascendency. My political connections are with that small and denounced party which has voluntarily wholly retired from the party strifes of the day, with a view of saving, if possible, the liberty and the constitution of the country, in this great crisis of our affairs."

These were the words in which Calhoun, on January 13, 1834, announced in the Senate his position after the storm of nullification had passed. His prospects, however, were full of promise, for he did not stand as a nullifier alone but as a champion of state sovereignty. Outside of South Carolina, few of the state rights party had been nullifiers; but nullification was now reabsorbed by the broader doctrine from which it had been extracted. The Calhoun party was small, but it was an influential group in the Senate, for neither of the other parties had a clear majority, and it often held the balance

of power. The leader himself deservedly enjoyed great prestige. Who had done so much as he? He had compelled the Whigs to lower the tariff; he had caused an abandonment of the original plan of distributing the surplus revenue among the several states. In fact he had put to sleep for the time being the whole scheme of the protectionists, and the cause of state rights was stronger than it had ever been.

But Calhoun believed that he and South Carolina had done more than that. In destroying the tariff act of 1832, they had effected an immediate diminution of the public revenue, with the probability of a further diminution in the future. If the revenue had continued to flow into the public treasury in so large a volume, the power of the Executive would have increased greatly with the inevitable result of despotism or disunion, the chances being on the side of despotism. The country had really been saved by South Carolina's timely act. Although obviously there was no immediate prospect of his ascendency, Calhoun was convinced that his standing with virtuous and intelligent men was higher than it had ever been, now that his character and motives were better understood. As Jackson went on with his high-handed measures, Calhoun came to believe that thousands in the North were being driven to espouse the state rights cause, as the only safeguard against executive usurpations; and, when the banks began to break and acute industrial distress set in, he thought Northerners were coming to envy South-

erners their slaves as a class less dangerous than free laboring men. His mind dwelt upon a state of society founded upon caste, and quick interchange among the classes and the constant recruiting of each from the ranks of the other was a condition upon which he did not reckon. Without doubt some timid or short-sighted Northerners would have preferred to hold slaves; but they were only a few individuals, who could not see beyond their immediate surroundings, or who were thinking only of their personal comfort.

Upon other subjects as well as slavery, Calhoun's judgment was often clouded by his hopes, desires and prejudices. For example, soon after the session of Congress began in 1834, he saw this illusion: His cause was advancing and would soon be in the ascendency. It was the cause of good government, and its triumph was, therefore, necessary. Jackson was drunk with flattery and vanity, and the victim of a lawless and insatiable ambition. He was already a broken man and Van Buren and his corruption were going down in the common wreck. The question was not whether the administration would be overthrown—that was settled—but what would take its place. It could not be his own party; that must wait a little longer. In fact, Calhoun was nearly as fallible in his judgment of the future as politicians commonly are. Being personally and vitally interested in the events in which they play a part, they are seldom able correctly to estimate the future consequences and effects of those events.

Calhoun's first undertaking in the Senate at the session of 1834 was to assist in censuring Jackson for removing the government deposits from the Bank of the United States to a number of state banks. Two questions were involved and these he was able to discuss better than any other man in the Senate: Had the Executive the constitutional power to make the removal without legislative direction? Was the removal an injury or a benefit to the finances of the United States? Calhoun's idea of the division of powers of the government was fine-spun, but in this instance it was correct, and his argument against the right of the Executive to abandon the designated government depository without legislative sanction was unanswerable. He had, moreover, during his service in the House twenty years before, made an exhaustive study of financial questions, and the United States Bank was now, in fact, operating under the charter of 1816 which he had drawn up. The President could hardly have expected that the Senate would support him in his withdrawal of the deposits; but he was not prepared for the savage onslaught made upon him, and none of the attacking senators laid on the lash more mercilessly than Calhoun, nor did any direct his blows with greater skill. The United States Bank, he said, had been charged with meddling in politics; but what could be said of the administration itself, which had perverted the government into a vast political machine with a view to corrupting and controlling the country? What

could be said of the system of driving hundreds of honest men from office to fill their places with devoted partisans? The truth was that the Bank had become obnoxious to the Executive, not because it meddled in politics, but because it did not meddle on the side of the administration. The question was not whether there should be a United States Bank;—Calhoun was now inclined to oppose it as dangerous to liberty—but whether the President had the power by his own arrangement to create a bank; for the banks selected by him to receive the public moneys constituted nothing but a national bank, which would have a greater influence in extending the corruption of government than the old bank had ever had. The cause of the difficulty he saw in the protective system which had taken money from the pockets of the people and piled it up beyond the necessities of the government. He favored a complete divorce of the government from the banks, and the Independent Treasury Bill which Gordon of Virginia introduced in the House, was drawn up under his eye. It failed of passage, but undoubtedly paved the way for the adoption of a sounder system at a later day.

When Calhoun heard that Webster intended to introduce a bill to recharter the Bank of the United States, he sent word through a mutual friend, that he wished to confer with him on the subject. Since the nullification debate of the year before, they had hardly been on speaking terms; but their common opposition to Jackson now brought them together,

and ever afterward, although they were usually political antagonists, their personal relations were respectful and courteous. Calhoun's plan for rechartering the Bank was entirely different from Webster's, for the former wished to continue it for twelve years on conditions which would gradually diminish the volume of paper currency, until at the end of the period the government might dispense with the use of paper altogether.

Webster would not agree to this, and when his bill to recharter the Bank for six years came up, Calhoun supported it, because, he said, he hoped it would in some degree improve the disordered conditions to which the currency had been brought. He did not like the measure. The charter was for too long a time if its purpose was only to provide for the Bank's winding up its affairs; it was for too short a time, if it was intended to reëstablish the Bank. The trouble lay with the unreasonable inflation of the currency by the issue of notes of state banks with insufficient specie behind them. At the same time, he would not accept the proposition to tax these notes so as to suppress them, because it would be an unconstitutional exercise of power; the taxing power, as he concluded, being limited to the raising of revenue, and not properly pervertible to penal purposes. He was in favor of a "bank to unbank the banks" and restore a safe and stable currency, and it should be a new bank engrafted upon the old one. He thought there must be hard money alone or a United States Bank. The country

was not yet ready for hard money, but the government could raise the relative value of silver and gold to sixteen to one and thus make gold instead of silver the metallic currency.

Having voted for the resolution censuring Jackson, he met without trepidation, the angry protest which Jackson hurled at the Senate. No one, Calhoun said in his speech of May 6, 1834, could reasonably object to the Senate's passing resolutions in disapproval of the withdrawal of the deposits. Such a matter properly belonged to it. The President, on the other hand, in questioning the Senate's action, was stepping far beyond his constitutional rights. It would puzzle him to show upon what authority he did so, whereas the Constitution conferred upon Congress the power to make all laws necessary to carry into effect its own and all other powers vested in the government or any department or officer.

Upon this power he laid much stress, and made it the basis of many arguments afterward. It was, he thought, a power which had been overlooked, and which properly understood was of the greatest importance. The President had no constructive or implied powers whatsoever; they were lodged in Congress alone. Neither he nor any department could do anything which the Constitution or some law made in pursuance of the Constitution did not expressly order or permit them to do. The provision was vital, for if there was uncertainty as to where the power of construction lay, there would be

incessant conflict between the various departments of the government, and in such a conflict, the Executive, having the public patronage at his back, would become the sole expounder of the Constitution.

Calhoun, accordingly, moved that the Senate resolve: "That the President of the United States has no right to send a protest to the Senate against any of its proceedings," and that the Senate do not receive the protest. The first resolution was carried by a vote of twenty-five to seventeen; the second was lost by a vote of seven to thirty-four. When in 1836 the resolution to expunge the censuring resolution from the journals of the Senate was being considered, he treated the proposition with withering scorn. Jackson, he said, had ordered it to be passed, and senators were voting for it without the least reference to its propriety or constitutionality.

In the question of the Bank and the withdrawal of the deposits from it, Calhoun acted with the national Republicans; but the gold bill which he supported was an administration measure. He showed now, as he did frequently on other occasions, that the plan of his political life was never to occupy ground so far advanced as to make failure inevitable. If he could not get the full measure of what he wanted, he was able to take half measure and approximate success. One part of his scheme, however, failed completely, for he could not induce Congress to repeal the Force Bill.

By its own terms it expired at the termination of

the Congress then sitting, but the principle for which it stood must remain and the precedent must abide, unless it should be repealed before that date. On April 9, 1834, Calhoun made a speech urging the repeal. Again he explained the division of powers and "that beautiful, complex, federative system of government," which he himself had discovered. He said he had not changed the views expounded at the last session of Congress. "So far otherwise," he added, "time and reflection have but served to confirm me in the impression which I then entertained"; and he stood ready to vindicate it against all assailants. He repeated the statement he had made in his speech of the previous session, that when the oppressions of the tariff had become insupportable, he began a deep search among the provisions of the Constitution, and then found his remedy. If the oppression had not come, he might have died, as he had hitherto lived, in utter ignorance of the true meaning of the Constitution. Notwithstanding the repeal of the act of 1832, the slow reduction of the tariff under the compromise law, combined with large sales of the public lands, produced more revenue than the government required. What should be done with the money? It had been taken from the people unnecessarily, but could not be directly returned to them. Whatever plan of spending it might be adopted would be carried out by the Executive and would increase his power and patronage, and the Executive was already having a debauch of power

and patronage. Jackson's method of using the right of appointment and of removal from office had come as a hideous surprise to thoughtful men. The framers of the Constitution had never dreamed that an Executive would ever thus prostitute his powers.

The attention of all who discussed the spoils system at this time was concentrated upon the question of removals for political reasons. In making appointments, it was generally conceded that the Executive had a right to name those who were in political sympathy with him; but to remove men who were honest and competent, so as to make places for party friends, was regarded as indefensible. It is true that Jefferson had done this very thing; but Madison, Monroe and Adams had not done it. In fact, as all belonged to the same party, they had not been under strong temptation or pressure to do it. Thus it had happened that there had been respectable use of the executive patronage for twenty years; and that it had maintained from the beginning of the government, except for a few years during Jefferson's term. In the meantime, the patronage of the President had naturally grown, and had been artificially increased by the policy of extending the operations of government into new fields.

As for Jackson's system, no man of note in Congress defended it. It remained for a later generation to construct specious and false arguments to justify the distribution of the offices of government

for corrupt party purposes. When Calhoun, therefore, moved the appointment of a committee of six senators to enquire into the extent of executive patronage and the proper mode of reducing it, his motion was agreed to without noticeable opposition. He proposed this number, so that each political party might have two representatives. The committee's action would then come with the force of agreement of all parties. Calhoun, as its chairman, wrote the report which was approved by all the members except Thomas H. Benton. The Senate itself was so well pleased that it ordered 10,000 copies printed for distribution with a view to influencing public opinion. This, however, it did not do, for it was too long and too statistical to be read widely, and the doctrine it preached was not likely to find admirers among men of the ordinary run.

As the patronage had been increased by the increased revenue, and as the revenue would be larger than the expenditures until the second reduction of the tariff took place in 1843, Calhoun was compelled to propose as the best possible plan for disposing of the surplus, a scheme of his own for distributing it among the several states. It is true that the probability of such a distribution on a different basis had been one of his chief reasons for opposing the tariff. Once let the states taste this enticing draught, which they would obtain without laying a penny of direct taxes upon their people, and there would be produced an unquenchable thirst

for more and an ineradicable fondness for a tariff which would give more. Calhoun now thought to avoid this result by providing for a distribution which would be only temporary, and, as he had insisted on many occasions that any distribution would be in violation of the Constitution, he proposed that the instrument be amended so as to provide for the payments for eight years. But at the end of this period, what was to prevent another amendment? All the arguments that he had ever made against the scheme of distribution now applied with equal force to his own scheme. From his point of view, there was this to be said in its favor: It would relieve the Federal government of the temptation of spending the surplus, and the executive patronage would not be increased by it. On the contrary, the states would have a motive to watch the general government and make its expenditure small, so that they might have as much as possible for themselves. His proposal for a constitutional amendment failed, but his plan of depositing the surplus revenue in the treasuries of the states was agreed to by an overwhelming vote at the session of 1836.

When the bill to repeal the four years' tenure of certain offices and to forbid removals by the President, except upon reasons communicated to Congress, was under discussion, Calhoun advanced the theory that the Constitution did not give the Executive the right to make removals. It was not expressly granted to him, and it was not a power necessary to

execute some power expressly granted to him; therefore, it did not exist, but remained to be controlled and regulated by Congress. If it were otherwise, and the President had complete power of removal as well as appointment, all office-holders would be his supple and willing tools and he would wield despotic authority.

That the President had not the power to remove from office was not a discovery of Calhoun, for the idea had been contended for in the First Congress. The question was supposed to have been settled permanently when that Congress definitely decided that the right of removal was a necessary adjunct of the executive power to appoint. The point had arisen over the bill to create a Department of Foreign Affairs and make the head of that department removable by the President. Elias Boudinot, of New Jersey, had put the case thus: Suppose the President wishes to dismiss an officer, and asks the advice and consent of the Senate regarding his course. To learn the facts, the Senate must summon the officer before it. And suppose the Senate decides that the President's reasons are not sufficient. In what a position he would then be, with a subordinate over whom he could have no authority. In that case the executive head of the government would really be the Senate, not the President. Congress had decided that, as the right of removal was a constitutional right of the President, it should not be expressly granted in the law; therefore, it had so framed the act creating the Department of Foreign

Affairs that it merely recognized the right. The clause providing for a chief clerk said that he should have charge, whenever the principal officer *shall be removed from office by the President*, or be disabled from acting. Like everybody else, Calhoun had accepted this decision as final, until Jackson made so many removals that he began to examine the question *ab ovo*. By the same road that had led him to find the doctrine of nullification, he now learned that the constitutional power of removal from office was not with the President. This discovery aroused his enthusiasm, and was another proof of the perfection of the Constitution, if it were only properly understood. Webster, Clay and most of the senators who stood opposed to Jackson, agreed with him. Their views were undoubtedly colored by their desire to curb the President's unbridled use of power, for under ordinary circumstances they would not have accepted a construction of the Constitution which deprived him of authority over his own subordinates.

Leaving out the constitutional argument, however, Calhoun's arraignment of the spoils system was masterly. He dismissed with contempt the plea that there should be rotation in purely administrative posts. Among officers chosen by the votes of the people, rotation might be accepted, he said, but appointive officers should be rendered secure in their places so long as they discharged their duties properly, and he would no more permit their displacement on party grounds than he would allow them to be divested of their freeholds.

It was during this debate that he and Benton first contended. Calhoun was never a gladiator, who engaged in death struggles with an antagonist, in order that the spectators might have the excitement of witnessing the fight. When he attacked a man, it was only because that man stood for measures which he believed to be bad, his real object of attack always being the measures. In the debate on the spoils system, Benton had congratulated him on having kept the discussion on a high plane; but, of course, to assail the spoils system was to assail Jackson, Van Buren and all their hosts. In point of fact, what was said must have been particularly irritating, for Calhoun was disposed to absolve the President from the chief blame, and lay it upon the despicable coterie of corruptionists who surrounded and influenced him.

Whatever the feeling on the subject may have been throughout the country, in Washington public opinion was bitterly arrayed against Jackson's system; for the social life of the capital had been broken to pieces by the dismissal from office of men who had been almost lifelong residents, and whose distresses, when suddenly deprived of their only means of support, aroused intense sympathy. Consequently the society of the city never became reconciled to Jackson, and at this time was willing to believe the rumor which was circulated that he had lost his mind, and was no more than a tool in the hands of the men who constituted his "Kitchen Cabinet." When Calhoun made his speech of Feb-

ruary 13, 1835, arraigning the spoils system, the Senate chamber, as well as the gallery, was crowded with a sympathetic audience of Washington women, who became very much excited when Benton replied with a violent attack on Calhoun. That same evening a rumor was circulated that a duel would take place; but there was really no ground for a challenge on either side. Benton was obliged to admit a general concurrence in Calhoun's presentation of the evils resulting from a growing patronage; but he traced the beginning of the increased expenditures of government to the policy of internal improvements—a system which Calhoun himself had introduced while in Monroe's cabinet by his report on the subject. This report, Benton said, had been written by Calhoun to enhance his popularity and advance his candidacy for the presidency. Another cause of increasing expenditure was the Revolutionary pensions. These had been granted by Congress on the recommendation of the administration of which Calhoun had been a part. Both of these charges were far-fetched, but Benton was nearer the mark when he cited Jefferson's example as a precedent for removals from office, and there was force in his ridicule of the proposition to distribute the surplus by constitutional amendment. Peradventure there might be no surplus to distribute, and he brought out Calhoun's inconsistency in advocating now what he had so recently opposed. It was, he said, a strange proposition, to amend for eight years a Constitution designed to last forever. Calhoun's

reply on these points was defensive; but on the general subject at issue he was easily triumphant without stooping to any of the personalities which Benton had used so freely. The two speeches are good examples of opposite styles—Benton verbose and pretentious, making sophomoric displays of cheap learning, but a speaker of no mean power and of absolute courage; Calhoun dignified, restrained, with no effort at display, using no ornamentation, saying his say pointedly, and with the single purpose of bringing conviction to the minds of those who heard him.

CHAPTER XV

LIKES AND DISLIKES

BECAUSE of his attack upon him, especially because he had accused him of having favored internal improvements in the earlier part of his career so as to curry favor and improve his chances for the presidency, Calhoun entertained a personal dislike for Benton, which he did not attempt to conceal. Benton's political views were, of course, antagonistic to Calhoun's, and when such was the case he judged men harshly. The people of South Carolina placed him upon a pedestal in the year 1832 and bowed down before him, and have continued to do so with increasing reverence ever since. They have seen in him none but the noblest attributes, and noble attributes he unquestionably had. His motives were noble, his character was noble, and he was of noble intellectual attainments; but he had, nevertheless, a characteristic which is not noble, for he attributed impure motives to men who differed with him and opposed him, and he judged their motives harshly because they differed with him and opposed him. His experience of men in public life came to control his private opinion of them more and more, as he grew more and more absorbed in political questions; so that he was willing to believe ill of Benton, and

on one occasion (August 4, 1849) said: "He has bribed the papers at the seat of government by jobs at the public expense." He had a still lower opinion of Van Buren, who he thought had introduced into politics a degraded and corrupting system. Van Buren had tried to do him injury, and Calhoun came very near to hating him, and for many years did not speak to him. But so completely were his personal feelings subordinated to political exigencies that when Van Buren became President and was pursuing a course favorable to his old foe, the latter called upon him and opened a friendly intercourse, as we shall presently see.

Of course, Calhoun's deepest dislike was for Jackson. In 1824 he had taken Jackson's side against Adams and Clay. Four years later he had helped to make Jackson President; but the latter's attack upon him for his course in the Seminole affair he was never able to forgive. The purpose of the attack was what stung him, for it was intended by those who were at the bottom of it to blast his chances for the presidency; so that his feelings toward Jackson bordered on antipathy, and he was accused of being actuated by his known enmity in nearly every action taken in the Senate while Jackson held office. When he was debating the proposition to prohibit postmasters from receiving Abolition literature, Calhoun said: "I have too little regard for the opinion of General Jackson, and, were it not for his high station, I would add, his character too, to permit his course to influence me in the slightest

degree, either for or against any measure." The depth of the quarrel between the two is hard to fathom. It caused discussion far and wide when it occurred, and Calhoun's followers seldom mentioned Jackson's name in his presence. Before he became President, Jackson was known as a state rights man, and Calhoun undoubtedly entertained a hope that they would be political friends. He was vexed when he found that antagonistic influences completely surrounded the President.

The two men had a passage at arms within a month of Jackson's retirement from office, the difficulty arising over Calhoun's opposition to the administration's bill for the disposition of the public lands. These lands were sold for $1.25 an acre, and reckless speculation in them was one of the causes of the disastrous commercial crash which came soon after Van Buren was inaugurated. As the currency was inflated and money became cheap and plentiful, the prices of everything except public lands rose. These remained stationary by law, and there was, in consequence, a wild rush to buy them for resale. The activity had originally deluded Jackson into the belief that it evidenced public prosperity; but in 1836 he saw his mistake, and with his sanction a bill was introduced in Congress to limit the sales to actual settlers, and require their registration before land officers. Calhoun's chief criticism of the measure was that it gave these officers, who were all political agents of the party in power, opportunity to molest settlers and even dispossess them. He set

forth his objections on February 4th, saying that he deprecated the deplorable extent to which speculation had gone, but that the bill would increase it, because settlers would buy of speculators and obtain their lands outright rather than go through the period of residence, with the other formalities necessary to obtain government land. Those in power had originated the speculation and profited by it in a political and a pecuniary way. In the official report of the speech in the *Globe*, he was made to say further: "Was it not notorious that the President of the United States had himself been connected with the purchase of public lands?" But the report in the *National Intelligencer* had it: "Is not one in the immediate neighborhood of the Executive among those the most deeply concerned?" The allusion was to the land speculations of a Mr. McLemore, a nephew of the President, but some people who heard the speech naturally misunderstood it as referring to the President himself. Jackson's feelings when he read it can be imagined. He wrote to Calhoun on February 7th, saying that if the statement was true, he ought to be impeached; if it was not true, "the punishment which belongs to me, if guilty, is too mild for him who wilfully makes it." He went on: "The whole charge, unless explained, must be considered the offspring of a morbid imagination, or of sleepless malice. I ask you, sir, as an act due to justice, honor, and truth, to retract this charge on the floor of the Senate, in as public a manner as it has been uttered." If he would not do

that, then the President demanded that Calhoun place his case before the House of Representatives for examination. If he would do neither, then Jackson would publish the letter, "by which you will stand stigmatized as one who, protected by his constitutional privilege, is ready to stab the reputation of others, without the magnanimity to do them justice, or the honor to place them in a situation to receive it from others."

The letter had the characteristics of the beginning of a correspondence usually ending in a duel, and on February 9th Calhoun had it read in the Senate, his object being, as he said, to reiterate the charges that he had made. He explained more at length than in the first speech the connection of the administration with the speculation. His allusion to the President's proximity to it he made clear by specifically naming McLemore. He did not propose to comply with any of Jackson's demands, he said, and wished that all might see "what little cause the President had for the outrage upon his privilege, and that of the Senate, and for applying language to him which is never used in intercourse between gentlemen, and better suited to the purlieus of Billingsgate than to the mansion of the Chief Magistrate."

Nevertheless, Calhoun's feelings toward Jackson appear to have softened after the latter retired to private life, and he is credibly reported once to have said of the general, "He is a great man." [1]

[1] Rev. Charles Cotesworth Pinckney in *Lippincott's Magazine*, July, 1898.

Calhoun was a man of model private life, of temperate habits, and careful in all his financial transactions; but he lived at a time when many public men were loose livers, intemperate and profligate. These attributes belonged to some of his political friends and to some of his opponents; but he never refused political association with men of bad private morals, nor used a knowledge of an enemy's shortcomings in this respect as a weapon against him. A man's public life and his views on public questions were the only things that concerned him. In 1842 Lord Morpeth came to Washington bearing letters to Calhoun, but Calhoun confessed that he did not care to see much of him, because he had attended an Abolition meeting in Boston.

It would have been strange if Calhoun had liked Henry Clay, who represented what he hated most—a Southern man who believed in Federal supremacy, who disliked slavery and who patronized the colonization society. Calhoun regarded him as "a great disturbing power in the harmonious and regular movements of our government, especially in the Southern and Western portion, where the influence of his personal character has been the most felt. He has done much to distract the South and to keep the West out of its true position." When the two were pitted against each other in debate, as they often were, they usually observed all the amenities, but Calhoun did not always look upon Clay's attacks as justifiable. He wrote confidentially on one occasion to his daughter, Mrs. Clemson: "Mr. Clay is very

impudent and I expect to have a round with him." They did have a furious contest in the session of 1838, when the Sub-Treasury Bill, an administration measure, was before the Senate. Since Calhoun advocated it, Clay accused him of having gone over to the administration party. His reply is probably the most impassioned of all his speeches, and is one of the most interesting because of the disclosure of his own nature which he made.

A spectator described him as standing with every feature and muscle tense with emotion, his hair on end, and large drops of sweat on his forehead, while the Senate sat breathless with excitement and not a sound was heard, except his shrill voice pouring out a denunciation of Clay and a defense of himself. The charge that he had gone over to any party enraged him. He was not, he said, one who paid no regard to party obligations. They were among the political virtues, but must be confined to a limited sphere, to matters of detail and minor questions of policy. Questions of principle, which materially affected the interests of the country, were above them. As for him, he belonged to the old Republican state rights party of 1798 and changed not. Clay had charged that his intellectual faculties were metaphysical, with too much of genius and too little of common sense, and to this he replied, admitting that he had a metaphysical mind, if it was understood as comprising "those higher faculties (called metaphysical by those who do not possess them), which decompose and resolve into their elements

the complex masses of ideas that exist in the world of mind, as chemistry does the bodies that surround us in the material world; and without which those deep and hidden causes, which are in constant action and producing such mighty changes in the condition of society, would operate unseen and undetected." He charged Clay with favoring popular measures without any idea of their consequences, and repeated the old charge of the corrupt bargain with Adams.

Daniel Webster, being a New England Federalist, was a natural enemy of Calhoun. He believed the success of Webster's theory of government would be destructive to American liberty; and because of their wide separation he regarded him with aloofness. In the same debate in which he had his encounter with Clay, Calhoun was attacked by Webster and replied that he and Webster represented irreconcilable opinions on the nature of the government, and that each was in his proper sphere when in open hostility to the other. He did not believe in Webster's earnestness. Being asked in 1832 what were his prospects of being nominated for the presidency, Calhoun answered: "Mr. Webster will never be President. He lacks the qualifications of a leader; he has no faith in his own convictions; he can never be the head of a party. Though very superior in intellect to Mr. Clay, he lacks his moral courage and his strong convictions. Hence Mr. Clay will always be the head of the party, and Mr. Webster will naturally follow his lead. If

either of them reaches the presidency, it will be Clay, not Webster."[1]

These three men, Calhoun, Clay and Webster, occupied the centre of the stage and engrossed public attention. They were all aspirants to the presidency, but it should be insisted upon that Calhoun showed better qualifications than either of the others. He was of steadier industry than Webster, less swayed by his personal followers than Clay, and of greater executive experience than either of them. He had no personal weaknesses to embarrass him in public office as they had, and his orderliness of mind, his integrity of purpose, his independence of action, his knowledge of the workings of the government, his quiet masterfulness of nature combined to qualify him in an extraordinary degree to perform the duties of a President. So far as foreign affairs were concerned, he regarded this country as a nation, and he was better able to manage this important branch of the public business than any other man in the United States; while he was certainly second to none in his knowledge of financial questions. Calhoun inspired in his followers no such romantic devotion as many men felt for Henry Clay; he excited none of the awful admiration which caused Webster's adherents to consider him one of the wonders of the age; but he stood with many people in the South and with nearly all people in South

[1] Rev. Charles Cotesworth Pinckney in *Lippincott's Magazine*, July, 1898.

Carolina upon a higher plane than Clay or Webster ever occupied with any people.

As he passed through the country districts in South Carolina, fathers would come out to meet him and present their children to him for notice; and if he gave one a trinket it was cherished as an heir-loom, while ladies in Charleston kept his visiting-cards as precious mementoes. His unselfishness, his freedom from personal weakness, his simplicity of character, and, above all, his complete identification with the aspirations of his people, made them look up to him as no other public man in our history has ever been looked up to since the days of George Washington. All this adulation he took with perfect modesty, and its only effect upon him was to produce a becoming addition of dignity. It awakened no personal vanity, nor affectation, nor any desire to enlarge his social horizon. The community in which he lived was a small one, but to him it was the best in the world. As soon as the Senate rose, he always returned at once to "Fort Hill."

This charming estate, with which he became identified as Washington had been with "Mount Vernon" and as Jackson was with "The Hermitage," derived its name from an old fort which had been built there during the Revolution by General Andrew Pickens. The Seneca River ran through it, and the large comfortable frame house, with a portico of tall white pillars, stood upon an eminence with corn and cotton-fields sloping down to the river-bank.

Beyond were wooded hills stretching to the Blue Ridge Mountains. Amid these scenes Calhoun loved to dwell, and he seldom left "Fort Hill" until he was obliged to return to Washington.

There was a peculiarly attractive simplicity about the life of men of his order. Their interests were wholesome, being divided between the plantation and public affairs, with little else to complicate their attention. The social life was a family life, and fostered family affection and cohesion. The Calhouns became so large a connection that it was almost possible for him to travel from one end of the state to the other, and stop only at the houses of his relations. It is easy to see how country families, staying in one place, new generations marrying into other country families, constantly increasing in numbers, could by acting together exert a great influence upon political affairs; and while the nation was young and country life was the only life, in the older states the families played a part in politics which has since wholly disappeared.

Calhoun participated in the society about him with perfect satisfaction, discussing suspected engagements, attending the weddings and consequent christenings, and enjoying also the dinner-parties which the country gentlemen gave to one another. All the small happenings of his world were of interest to him. No better life than that of a Southern planter was desired by him or by other Southern planters. It represented to them the very acme of human wishes; nor were they blameworthy in find-

ing full satisfaction in a life which had so much of simplicity, comfort, responsibility, and wholesome exercise of manly qualities. Whatever else may be said of them they lived, at least, the lives of gentlemen.

Among his brother planters, Calhoun found nearly all of his personal friends. He entertained a warm regard especially for James H. Hammond, an able man, who sat at his feet and hung upon his words, and who afterward played so prominent a part as a leader of the slavery and secession parties; for General Francis W. Pickens, his second cousin, a member of Congress from 1834 to 1843, and after Calhoun's death minister to Russia and governor of his state; for James Edward Calhoun, his brother-in-law, for a time a naval officer and then a planter; for his son-in-law, Thomas G. Clemson, who married his eldest daughter Anna, and whom he sent as minister to Belgium; for Henry Gourdain, George H. Trenholm and George H. Ingraham in Charleston; for Armistead Burt, who married his niece and represented the state in Congress from 1845 to 1853. His principal friends outside of South Carolina were Major Christopher Van Derventer, who was his chief clerk when he was Secretary of War; Richard K. Crallé, of Virginia, who was his chief clerk in 1844, when he was Secretary of State, and who edited his *Works* after his death; Virgil Maxcy, of Maryland, and Duff Green, whose daughter Calhoun's eldest son Andrew married, and whose paper, the *United*

States Telegraph, supported Calhoun's candidacy for the presidency in 1836. For Samuel D. Ingham, of Pennsylvania, who first brought his name forward for the office, he entertained an enduring friendship and sense of gratitude. He had a devoted friend, too, in Dixon H. Lewis, a mighty representative and senator from the state of Alabama, weighing 450 pounds, who thought him the greatest man in the world and toiled lustily to make him President; but Lewis craved recreation and complained that Calhoun's society afforded none. He wrote to Crallé on March 20, 1840: "Calhoun is now my principal associate, and he is too intellectual, too industrious, too intent in the struggle of politics to suit me except as an occasional companion. There is no relaxation with him. On the contrary, when I seek relaxation in him, he screws me only the higher in some sort of excitement." [1] Lewis was not the only one who complained of over-stimulation from Calhoun's society. Judge Prioleau after he had met him for the first time at Pendleton at a dinner-party, was asked how he liked him. "Not at all," he replied; "I desire never to meet him again. I hate a man who makes me think so much. For the last three hours I have been on the stretch, trying to follow him through heaven and earth. I feel wearied with the effort; and I hate a man who makes me feel my own inferiority." [2]

[1] Crallé MSS.

[2] Rev. Charles Cotesworth Pinckney in *Lippincott's Magazine*, July, 1898.

It is small wonder that his neighbors should have called him, as they did, "the thinking machine."

Calhoun's friends were also his followers, but he endeavored, as we have seen, not to break off entirely his earlier association with those in Carolina who would not accept his leadership on the nullification question. After the excitement of that movement had died out, some of them were reconciled to him—notably Daniel E. Huger, who took Calhoun's place in the Senate when he left public life for a year in 1843, and who promptly resigned the seat as soon as the leader was willing to return to it; and Poinsett, with whom he fell into friendly accord almost as soon as normal conditions had been resumed.

That Calhoun should have avoided association with Lord Morpeth because he had avowed sympathy with the cause of Abolition, was only to be expected. In 1835, there began an active anti-slavery propaganda, and Abolition literature was circulated extensively in the South. When Congress met, the President in his message recommended that a law be passed denying the use of the mails to such incendiary matter. At the same time Congress was besieged by petitions to abolish slavery in the District of Columbia, this being a part of the plan of action of the Abolitionists. The safety of the slaveholding communities required, above all things, that the negroes should not know there was any movement on foot to set them free; for if they got such an impression, they would nat-

urally try to set themselves free, and in trying would murder their masters. In any case, harm was sure to come to the slaveholders. If they sat silent, the Abolitionist cry for freedom would be heard; on the other hand, if measures to suppress the propaganda were proposed, they must be publicly discussed and the discussion was as damaging as the appeal. This accounts for the heat and rage with which the slaveholders took up the subject, and they did so only because they believed it would be worse to let it alone. At any rate, they would force the government to set itself against the agitation and do all it could to suppress it, and here they were clearly within their legal rights, for the laws guaranteed them in the possession of their slave property. It was Calhoun's belief that the cause of Abolition activity could be directly traced to Jackson's nullification proclamation, declaring the Federal government supreme. If this declaration was correct, then all the states had a responsibility for slavery, and power to get rid of it.

It is hard to find a good argument against the power of Congress to abolish slavery in the District of Columbia, and this was all the petitioners now asked for. Over the area ten miles square, Congress was in complete authority, and the citizens enjoyed such rights as it chose to give them. If a state government could abolish slavery in a state, and no one disputed that it could, Congress certainly could abolish it in Washington. But this was not the point; for hardly any one in Congress would

have voted for Abolition in the District of Columbia, because to do so would be to encourage the efforts to secure it elsewhere. The question debated was whether the petitions of Abolitionists should be received by Congress and their prayer immediately refused; or whether they should not be received at all. The speech which Calhoun delivered on March 9, 1836, against the reception of the petitions was one of his strongest, and it put him in line to assume at an early day, the leadership of the slavery and state sovereignty cause. In making it, he was in perfect accord with public sentiment in the state he represented, and could in proof have pointed specifically to the resolutions passed by the legislature on several occasions. His first object was to prove that the Senate was not obliged to receive the petitions, and that in refusing to do so, it only asserted its rights; for if it were under such obligation it might be inundated with pleas urging all sorts of improper and unlawful requests. He proved his point by well-selected precedents of refusals on the part of the Senate and other legislative bodies to receive such papers. He thought the refusal was vital to his cause. If the petitions must be received, the South must wage an eternal warfare against what they prayed for. There would be no rest; the agitation would continue day after day, doing incalculable harm; and in the end the South would be forced, for its own safety, to abandon a Union for which it was obliged to pay so heavy a price. He regarded the question as an outpost of slavery that must be defended at all

hazards. If the Abolitionists seized it, they would obtain a foothold from which they could never be dislodged.

The Senate was not disposed to go so far. It rejected Calhoun's motion by a vote of thirty-six to ten. A plan of James Buchanan was agreed to by which the petitions were received and immediately rejected without debate. Although Calhoun would not vote on Buchanan's scheme, the effect he desired to secure was accomplished, for the petitioners were as much disheartened by the silent rejection of their petitions as they would have been by their non-reception.

On December 19th, Senator Swift of Vermont introduced a memorial and resolutions, which had been adopted by the legislature of that state, praying that slavery be abolished in the District of Columbia and that Texas be not annexed. Calhoun had no premonition that the memorial would be presented or even that it had ever been adopted in Vermont, but instantly he formed a momentous and unshakeable resolution. He would meet the question of interference with slavery here and now, and he would compel the Senate solemnly to add the weight of its authority on the side of slavery and the slave states. Accordingly, no sooner had the Vermont memorial been read than he announced that the question it presented must be met and that he would not permit it to rest until it had been finally acted upon. "His mind," he said, "was unalterably fixed, and nothing would prevent him from

putting his views into execution." The paper could not be classed with ordinary Abolition petitions, which came from irresponsible societies, many of them composed largely of women. It had been passed by the legislature of a state and Calhoun insisted that it must, therefore, be noticed.

Although his determination to bring the question to an issue was suddenly formed, it was not a mere impulse, nor did it spring from a new thought. That Abolitionism must be met by the assertion of state sovereignty was Carolina doctrine; nevertheless, many in Carolina and in the South thought that Calhoun was committing an error in forcing the issue, and Preston, his colleague in the Senate, led the opposition. They thought that the Vermont memorial should have been treated like any other anti-slavery document, and silently voted down; but nothing could deter Calhoun from proceeding with his plan, and when it came to the point, the Southerners were obliged to vote for the resolutions which he forced upon the Senate.

These resolutions were six in all and were presented on December 27th. They recited:

(1) That the states had severally adopted the Constitution to insure security against all dangers "domestic, as well as foreign."

(2) That they retained control over their domestic institutions and any intermeddling under any pretext, "political, moral or *religious*" was an assumption of superiority not warranted by the Constitution, "insulting to the states interfered with,—

tending to endanger their domestic peace and tranquillity," subversive of the Constitution and tending to destroy the Union.

(3) That the Union was the common agent of the states, and as such was bound to increase the security of their domestic institutions, and not permit itself to become the instrument to destroy or weaken them.

(4) That no change of feeling on the part of other states in relation to slavery could justify attacks upon it, and that such attacks were in manifest violation of the solemn pledge of all the states to protect each other.

(5) That abolition of slavery in the District of Columbia and the territories where it then existed would be a dangerous attack upon slavery elsewhere.

(6) That the Union rested upon an equality of rights and advantages among the states, and that to destroy this equality would tend to destroy the Union; wherefore it was the duty of Congress to resist attempts to discriminate between the states in extending the benefits of the government or to prevent them from increasing "their limits or population, by the annexation of new territories, or states" on the assumption that it would be sinful to extend slavery.

The last resolution, as it related to the annexation of Texas, a subject which was to be taken up in due season by itself, was, on Preston's motion, rejected. On January 12th, the first four resolutions, as Calhoun had presented them, were finally adopted by large majorities. The fifth resolution was modified

with his consent, so as to say that Abolition in the territories would cause serious alarm in the slave states.

It is not necessary to show the folly of these resolutions. If the "intermeddling" was prompted by moral and "religious" convictions, it was beyond the power of Congress; but Calhoun resisted an effort to strike out the word "religious," saying that "the whole spirit of the resolution hinged upon that word." He defended his course in a series of speeches beginning December 28th, the day after he had introduced the resolutions, and running to January 12th. He said they were necessary. "What remains, then, short of taking our protection into our own hands, but to find some barrier in the general character and structure of our political system? And where can we find that but in the view of the Constitution, which considers it as a compact between sovereign and independent states, formed for their mutual prosperity and security?" It was not in the slaveholding section, he said, that he feared the effect of Abolition literature. It could not circulate there; the effect in the North was what he dreaded. There it was infusing a deadly poison in the minds of the people and breeding hate between the sections—making two people of one. The Abolitionists were destroying the Union by holding up to execration the character and institutions of the people of nearly one half of that Union. The responsibility was on them, for they were the assailants. He was not sanguine of the effect of the

resolutions, but he had done his duty in presenting them. It was inevitable that unless the spirit abroad in the non-slaveholding states was arrested, there would be secession or civil commotion. The two races had been brought together in the South. They were united beyond the possibility of separation and the relation had benefited both whites and blacks. Its destruction meant "to involve a whole region in slaughter, carnage, and desolation." As for him, it had pleased Providence to cast his lot in the slaveholding states. There were his hopes, and all that was near and dear to him. His first duty was to them, and he held every other, even his obligations to this government and this Union, sacred as he regarded them, subordinate to their safety.

Calhoun opposed Jackson's proposition for denying the use of the mails to incendiary Abolition publications, because it was a recognition of the right of the general government to deal with the subject. If incendiary publications, he said in a speech on April 12th, could be kept out, then the government would have a right to insist that publications which were not incendiary should go in, and would have to determine which were incendiary and which were not. The whole question belonged to the states exclusively, but as the general government carried the mails, he proposed that a law be passed prohibiting postmasters from receiving and forwarding Abolition literature to any state in which its circulation was prohibited by the law of the state. The effect of such a measure would have

been to subordinate the post-office to state law, and this was the very purpose he wished to accomplish; but the complications of the scheme were so self-evident, that it failed to receive material support. In this speech he declared that if Congress passed any laws attempting to regulate slavery, the South would disregard them, invoking the right of state interposition, which had just been so successfully proclaimed by South Carolina.

At the next session, when Clay, on January 27, 1837, presented a memorial asking for a Congressional charter for the colonization society, so that it could receive gifts and bequests, Calhoun expressed the hope that the request would be denied, and regretted that it had been brought before the Senate. The government should not notice, much less encourage, the objects of the society, because nine-tenths of the Southern people disapproved of them. No human power could separate the blacks and the whites in the South. The blacks, being the inferior race, were the slaves of the whites. This condition could, if undisturbed, exist for all time, and upon its existence depended the existence of the South. The colonization society was a disturbing influence and did great mischief.

On February 5, 1837, a few weeks before Congress adjourned, upon the presentation of a memorial from citizens of the District of Columbia, protesting against any action on the subject of slavery, Calhoun was able to congratulate the Senate upon the favorable change which had taken place in the

past twelvemonth. Abolition was advancing with strides which threatened the Union, but the ark of state rights had carried them through the difficulty. He had been ably supported by Republicans of the North and Abolition had received an effectual blow. It was an important epoch in our history. Before the agitation, many Southerners had considered slavery an evil to be tolerated but not defended ; now they believed it to be a great blessing to both whites and blacks.

CHAPTER XVI

CALHOUN'S AUTOBIOGRAPHY

THE isolation of Calhoun after the nullification ordinance was rescinded was also the isolation of South Carolina, and for some years she refused to come within the sphere of activity of the political parties of the Union. At the election of 1832, her electoral votes for President were cast for John Floyd, of Virginia, governor of that state and an advocate of state sovereignty; for Vice-President, Henry Lee, of Massachusetts, a wealthy Boston merchant, who had attracted attention as a free-trader. No other state cast a single vote for either him or Floyd. When Van Buren was elected in 1836, South Carolina voted for W. P. Mangum, of North Carolina, for President, and for John Tyler, of Virginia, for Vice-President. Maryland, Georgia and Tennessee also voted for Tyler, but no other state voted for Mangum. Van Buren's inaugural address repeated a statement he had made before the election;—that he was opposed to the abolition of slavery in the District of Columbia without the consent of the slave states, and to the slightest interference with it in the states in which it already existed. He said in his first message to Congress that he was opposed to a national bank,

and that the government could not lift the people out of their industrial distress: they had brought it upon themselves and must save themselves. This was precisely Calhoun's view. It was plain that continued enmity toward a President who spoke as Van Buren did was an untenable position.

When the crash of the state bank and paper money system came, Calhoun could truthfully say that it was none of his doing, and that he had foretold it. Congress was called together in special session in September, 1837, and the first question before it was whether the pressing needs of the Treasury should not be met by postponing the payment of the fourth installment of the amount due the states under the distribution act. This was promptly agreed to by a vote of twenty-eight to seventeen, Calhoun voting aye. He was glad enough to stop the distribution, and if he had had his way, there never would have been any surplus in the Treasury, since he held that taxes should always be kept down to the bare needs of the government. In his speech on the finances of the country on September 18, 1837, Calhoun reviewed his connection with the United States Bank. He supported it in 1816, he said, because it was necessary to correct the disordered condition of the currency which had fallen under the control of the states. In 1834, on the same principle, he had favored a short renewal of the charter, to avert the calamity which had later befallen the country. But the connection between the government and the bank had since been definitely

broken off, and the opportunity was afforded of beginning on a new and better basis. There should be no renewal of the connection. It existed, because the government received bank-notes, thereby practically endorsing them and giving them circulation. The issue expanded and contracted according to the expansion and contraction of the fiscal actions of government; and when these were great and sudden, catastrophe befell the whole system. The cause of the present state of things was the protective tariff, which encouraged the industry of one portion of the Union at the expense of another and poured money into the Treasury beyond its needs.

As for relief, he repeated what the President had said. The government could not give it. The patient was young and vigorous and would overcome the attack, and he feared the doctor and his drugs much more than the disease. Frugality and economy, helped by the growing crops, would enable the people to pay their debts. He proposed that after the next January it should be permissible to pay three-fourths of the money due the government in notes of specie-paying banks; the following year one-half might be paid in such notes; in 1840, one-quarter, and thereafter all sums must be paid in legal currency of the United States. Federal officers were to be the keepers and disbursers of the revenue, and sub-treasuries were to be established independent of the banks. This became known as the Independent Treasury system. The Democrats now hailed Calhoun as one of them-

selves and followed his leadership. By a vote of twenty-six to twenty, his bill passed the Senate, but it failed in the House and Congress adjourned October 16th, having taken no decisive action. When it came together for the regular session in December, the battle was renewed. Again the President's message was pleasing to Calhoun, but again the Independent Treasury Bill failed to pass. This time Calhoun himself voted against it, because there had been stricken from it a requirement that government dues must eventually be paid in gold or silver. On July 4, 1840, it was passed with the specie provision. In 1841 it was repealed by the Whigs, but was revived in 1846, and has remained a feature of our financial system ever since.

The passage of the bill in 1840 was, in part, the result of a coalition of Van Buren and Calhoun. Early in the year, accompanied by a mutual friend, the latter called at the White House, and, shaking hands with Van Buren, said: "Mr. President, by your course as Chief Magistrate, you have removed the difference in our political relations; I have called to remove that in our personal." As Calhoun explained to his daughter Anna, who, it seems, questioned the propriety of his thus showing friendliness toward one whom he really despised, the sole basis of the personal relationship was political convenience. He thought that, if his party did not act with Van Buren, it would be helping the Whigs into power, and then could expect to influence the course of neither party. Not only was the Inde-

pendent Treasury Bill passed, but a proposition to distribute revenue from the sale of public lands among the several states, to be used by them to extinguish or diminish their debts, was defeated. There was manifested, also, a disposition to meet the tariff question, when it should come up, in an accommodating spirit, and the question of slavery was momentarily not before Congress. Northern men were found among Calhoun's supporters, and it was shown how easily the sections coalesced on matters other than slavery. His primary object was to keep the Treasury empty. The attention of the Democratic party would then not be engrossed by the subject of spoils, and men would have time to devote themselves to principles. He gave his influence, therefore, to Van Buren's reëlection, and if it had been accomplished, would have had an overweening power in his second term. The plans failed; William Henry Harrison was elected, and when Calhoun went to Washington for the last session of the Twenty-Sixth Congress, he encountered the efforts of the Whigs to put forward the measures of the new administration.

Following Calhoun's accordance with Van Buren, the legislature of South Carolina, on December 18, 1840, adopted resolutions, publishing the reasons why the state had participated in the election of President and Vice-President, expressing approbation of Van Buren's course, especially in regard to the slavery question, declaring in favor of the Sub-Treasury system and against a United States bank,

and pronouncing against a protective tariff. With obstinate persistency, the resolutions asserted on the last point "that a tariff to protect the industry of one portion of the community, at the expense of another, is a violation of the spirit and letter of the Constitution of the United States; and when such a case occurs, the several states will decide for themselves the mode and measure of redress." They gave a certificate of approval to Calhoun,—resolving, "that this state has seen, with great satisfaction, the steady and consistent adherence of her senator, John C. Calhoun, to the well-known, avowed, and mature principles of the state, and they accord to him their deliberate and strong approval, for vindicating and upholding the settled and well-known doctrines of the state from which he holds his high commission."

South Carolina and Calhoun were one; he commanded the confidence of his constituents as did no other senator; they could count on each other, and no cloud of doubt ever seemed to come between them. The state was as one man governed by one mind, and the legislature appeared to boast of it, when it said:

"The people of this state have cause to congratulate themselves, that the party feuds which lately weakened the vigor of its counsels, have happily ceased, and that South Carolina now presents to the enemies of her policies and peace, an undivided front; and is prepared, as she is resolved, to repel, by all proper means, every aggression upon her

rights as a sovereign republic, the instant that aggression is attempted."

This manifesto of reconciliation was meant for the whole Union, and when it was formally presented to Congress in January, 1841, there was wide rejoicing, for the state still held a place high in the general esteem, because of its brilliant record in the past.

Calhoun was not entirely sorry for Van Buren's defeat. It was a just retribution, he thought, for "all the old sins of Jackson's time," and in the end might be beneficial to reform; but for the new President he had no regard, and he looked forward to an administration controlled wholly by Clay and other Federalists. It would be followed, he hoped, by a truly Democratic régime, with himself at its head. But when Congress met in extra session, May 31, 1841, pursuant to Harrison's call, it was greeted by a message from John Tyler, Harrison having died after he had been President for only a month, and before he had had a chance to do anything but buffet helplessly with the flood of office-seekers, which fairly swept him into his grave. Tyler had been elected by the Whigs, but they had nominated him with a view to attracting the votes of state rights men, and thus got the support of nearly all the Southern states for the ticket. He was known to be a strong friend of state sovereignty, and in 1832 had supported Calhoun in his opposition to the Force Bill; but when his administration began, Calhoun was in doubt what course the new

President would follow. In the election, South Carolina had, under its leader's advice, cast away her votes for Vice-President, giving them to Tazewell of Virginia, who was not a candidate, rather than to Tyler, simply because he was the Whig candidate. On June 7th, soon after Congress met, Clay sharply defined the Whig program. The Independent Treasury law was to be repealed and a national bank erected in its place; the proceeds of sales of public lands were to be distributed among the states, while revenue would be raised by increasing the duties on imports. The distribution scheme Calhoun regarded as "the most wicked and unconstitutional ever made; if it should succeed, the government will be subverted." The parties in the Senate were nearly evenly divided, and the obstructive tactics of the minority prompted Clay to propose a rule limiting debate. As this was a recognition of the absolute right of the majority, it was peculiarly odious to Calhoun.

As a result of his opposition to the distribution scheme, he was moved to offer an amendment to the preëmption law which would have put at rest all questions on this point, simply by leaving the Federal government without any land to sell. On January 12, 1841, he proposed that the lands be ceded to the several states in which they lay, and he supported the proposition in several speeches, throwing strong light upon the peculiar cast of his mind and showing how his analytical habits had grown upon him, until he was prepared to make

every measure of government stand or fall as a syllogism. The Virginia act of cession of her "back lands" gave them "to the United States *in Congress assembled*," and prescribed that they should constitute "a *common* fund," meaning a fund for the benefit of the states in their combined Federal capacity; therefore the fund could not lawfully be divided among the several states. Undoubtedly a cession of the public land to them would have strengthened them and weakened the Federal government, and that was an object with Calhoun. The states which would have profited were Alabama, Louisiana, Mississippi and Arkansas among the slave states, and Illinois, Michigan, Ohio and Indiana among the free states; so neither side would have gained in the matter of the extension of the area of slavery or freedom. But the slave states would have benefited by the strengthening of the cause of state sovereignty. The scheme did not find favor, however, and was easily defeated.

Only a part of the Whig plan could be carried out. The Independent Treasury law was repealed and a bill creating a national bank was passed, which, to the discomfiture and confusion of the Whigs, was vetoed by Tyler on August 16, 1841. To the consequent attacks on the President, Calhoun replied with one of his most popular speeches. He discussed the veto power and upheld it as a great conservative influence calculated to protect the interests of the weak from the oppression of the strong. Being negative in its nature, the power

could not well be abused. Several thousand copies of the speech were distributed, and Calhoun was well pleased with it, because it was in a line with an important feature of his nullification creed.

Notwithstanding his satisfaction because of the veto, he was in doubt as to what position his party should take. Tyler's cabinet was composed of men who called themselves Whigs, and Calhoun was afraid he might steer a middle course and attract to himself some who had opposed the Bank, thereby weakening the Calhoun party. Under these circumstances he advised a policy of inaction,—to propose few measures, simply supporting or opposing bills brought forward by the Whigs or the administration, as they might or might not accord with his principles. Tyler would in the end be forced to come to Calhoun. To the Whigs the fruits of their victory had turned to Dead Sea apples, and the special session of Congress adjourned, leaving them hopelessly demoralized.

When Congress came together for the regular session in December, 1841, Calhoun still continued to play a waiting game, clearly perceiving the efforts which the President was making to create a party of his own, but alive to the fact that he could not do so. It was certainly not Calhoun's business to save him, and soon there were no administration senators and hardly half-a-dozen followers in the House.

Calhoun had views of his own on the subject of redeeming the country, which he began to put into

effect immediately after the special session of Congress. They received a great impetus by the sweeping defeat of the Whigs in the fall elections. If ever he was to be President, now was the time. The victory, however, had come too soon—the election was so far off that it would be difficult to keep the Democratic forces together. "In politics," said Calhoun in a letter of December 18, 1841, "it is much more easy to gain the battle, than to reap its fruits." Nevertheless, two months later, on January 23, 1842, he wrote to Clemson, his son-in-law: "My own impression is, that events are taking the direction they [his friends] desire; and that the difficulties of the country, and the disorders of the times are turning more and more the eyes of the community on me. I regard myself as a dispassionate judge; for, personally, I have but little desire for the office [of President]."

If he had little desire for the office, he had a strange way of manifesting it, for the concerted movements from time to time to bring about his candidacy were all, from the very beginning, encouraged and assisted by him. Undoubtedly, the most important of these efforts was that which was now making.

The opening of the campaign was the appearance in an Ohio newspaper of a careful defense of Calhoun from the charge of being a disunionist. This was designed to overcome the odium which attached to him in some quarters because of his identification with nullification. Other important articles in

Northern journals followed, some being written by Calhoun's friends and many at their instance, or at the instance of Calhoun himself. These articles were copied in Southern papers by arrangement with the editors, and were meant to give an impression that Calhoun's candidacy was desired in the North. The impression was correct, for the better class of Democrats undoubtedly preferred Calhoun to Van Buren, who was his chief competitor. A canvass of the House of Representatives showed that about forty, half the whole number of Democratic members, were Calhoun men.

In 1843 there was published by Harper and Brothers of New York, a brochure of seventy-four pages, entitled *Life of John C. Calhoun, Presenting a Condensed History of Political Events from 1811 to 1843;* and at the same time they printed in separate numbers about thirty-eight of his speeches. Although no author's name appeared on the title page of the *Life*, the closing sentence declared that the sketch had been written by one who had been a friend of Calhoun for many years. The following was added in italics: "*his statements of facts and opinion he knows to be entirely authentic.*" The authorship was commonly attributed to R. M. T. Hunter, then a representative and later a senator from Virginia, and accepted by him; and, as the sketch was a good presentation of the career of one of the foremost men in public life, Hunter's reputation was increased by the prevalent belief that he was the writer. He had, however, composed very little of

it, the real author being Calhoun himself. He first gave the manuscript to his friend and supporter in South Carolina, Robert Barnwell Rhett, and asked him to stand as its father, but Rhett was unwilling to have attributed to him work which he had not done himself and refused. Hunter was then called in, inserted a page or two, and accepted the authorship. The whole transaction was conducted with perfect secrecy, and would never have been known at all had not Rhett disclosed it to Crallé after Calhoun's death. Crallé, however, kept his knowledge to himself, but recently a letter dated October 25, 1854, was found among his papers, containing the following to him from Rhett:

"There is but one thing written by Mr. Calhoun that you ought not to publish as his and that is—'his life.' He wanted me to father it—but I told him that it was impossible for me directly or indirectly to allow any one to understand that I was the author of a publication which I had not written. Hunter and I read it over together in my house in Georgetown. He inserted about a page and a half and became the putative author; and it has done more to lift him to his present position [a senator] than anything else in his public life." [1]

An agreement for the sale of the *Life* and the *Speeches* was entered into between Joseph A. Scoville, Secretary of the Calhoun Central Committee (afterward Calhoun's private secretary) and the publishers, and although the *Life* did not have as

[1] Crallé MSS.

large a circulation as had been anticipated, the publishers reported in June, 1843, that 18,000 copies had been disposed of.[1]

This brochure, then, is Calhoun's own plea for the presidency, and it deserves more than passing notice. The events in his career on which he lays stress, are his helping to bring on the War of 1812; his opposition to the embargo, and his assistance in the raising of a navy; his efforts for a sound national currency and his administration of the War Department; his resistance to all Federal interference with slavery and the reception of Abolition petitions; and his advocacy of an economical public administration. "His public life," the pamphlet says, "may be divided into two grand epochs: the first, in which he put forth his whole energies to enable his countrymen to maintain their independence against foreign aggression; and the second, in which he undertook the more difficult task of freeing their domestic legislation from those devices by which one was enabled to prey upon another." His explanation of his changing from a nationalist to a state rights man has been already set forth in these pages. He now believed the tariff of 1816 to have been unconstitutional. He confessed that he had fallen into the same error which most of the young men of his party had embraced, and had supposed the money power of the government to be sufficient to support the scheme of internal improvements. In the leisure of the vice presidency, he

[1] Markoe Papers, Library of Congress MSS.

had begun a thorough study of the protective policy.

Rhett, as we have seen, says that Hunter inserted a page and a half in the sketch; and the insertions, we are bound to assume, must be those portions in which Calhoun is extravagantly praised—as a man, for example, "distinguished by every trait that should win esteem and command admiration," as of "natural genius," as one who enjoys the confidence of the people to an extent "without a parallel in any other state, or in the case of any other public man." It is not conceivable that Calhoun wrote these and similar passages. Nevertheless, it cannot be denied that this new knowledge concerning the *Life* places him in the light of an eager seeker after an honor which should have been left to seek him. There was nothing wrong in the transaction, but its disclosure undoubtedly is an obstruction to the view of Calhoun standing upon an elevation far above his contemporaries.

And all his efforts were in vain. Van Buren's candidacy began actively before Calhoun's was fairly launched, and it was urged industriously up to the very time of the assembling of the convention. He had a majority of the delegates, Calhoun having been really defeated before they met. He refused to allow his name to go before them. He objected on principle to nominations being made by such conventions, unless they were so constituted as clearly to voice the will of the people, instead of the will of political managers or office-brokers. The

delegates should be elected by the people directly voting by districts, and each delegate should have a vote. The Democratic convention, about to be held, would be composed of men chosen by state conventions, the members of which had been selected by district or county conventions. Being the delegates of delegates, they would be three or four degrees removed from the people. The presidential candidate would be named by men who made politics a trade, and who lived or expected to live upon the government. Calhoun had helped to abolish the system of nominating candidates by Congressional caucus, because the members were subject to the influence of public patronage; but he had never intended to substitute a convention less near to the people or the states, less high in the character of its members, and more liable to be corrupted than the caucus had been. He objected to it, also, because in choosing the candidate, it gave equal voice to states in which the party was weak with those in which it was strong, so that the former might actually select the candidate, although there was no prospect of their voting for him.

During the time he was thus a candidate, he continued to perform his duties as a senator. A new tariff bill, more protectionist in its features than the compromise bill, was passed on August 30, 1842. Of course, he opposed it, and it caused much grumbling in the South; but the tone was calm compared with what it had been ten years before. A more vital matter had in a measure dwarfed the

tariff question, and, besides, Calhoun hoped and believed that the South could elect the next President and control the next Congress, when the bill might be repealed.

The subject which gave the tariff a secondary place took an unlooked for development on January 25, 1842, in the House of Representatives. "That mischievous bad old man," as Calhoun now called John Quincy Adams, being the champion of the right of petition, presented a paper signed by forty-six citizens of the town of Haverhill, praying for a dismemberment of the Union, giving as the main reason, "because a vast proportion of the resources of one section of the Union is annually drained to sustain the views and course of another section without any adequate return." The petitioners were Abolitionists, and this was their first open movement toward disunion. There was very little force back of them, but Calhoun thought otherwise, being, in fact, ready to believe anything bad of the Abolitionists. He wrote, February 4, 1842: "I have no doubt their object is disunion. There has always been a portion of the old Federal party in favor of it in New England."

Having constituted himself the sleepless guardian of slavery, he was not less awake to foreign than to domestic assaults upon it, and the country which required to be watched the most carefully was England. Her course with respect to Texas will be noticed presently; but she had on several occasions liberated slaves who accidentally and unavoidably

came into her territory, and had steadily refused to make compensation for them, giving as the reason the well-known fact that slavery was not permitted in her empire. On April 15, 1840, Calhoun brought the case of the brig *Enterprise* to the attention of Congress. While on a voyage from Norfolk to Charleston, she was cast on the Bermudas with a cargo of slaves, all of whom were liberated by the local authorities on *habeas corpus* proceedings. Calhoun introduced a set of resolutions protesting against this action as a violation of international law, since it amounted to the sequestration of American property ; and although Henry Clay declared them inopportune, and expressed regret that they had been brought forward, they were passed without dissent. Several similar cases were brought up by him. The subject, he said, when, on January 19, 1842, he discussed the case of the *Creole*, was more important than any other that could arise between the two governments.

Calhoun now determined to return to private life and there await the issue of his candidacy for a nomination to the presidency. He had served continuously from 1811, for more than thirty years, and he wished a period of repose. In the latter part of the year 1842, he sent his resignation to the legislature, to take effect at the close of the Congress then sitting, and the legislature accepting it, at the same time nominated him for the presidency. His private affairs, however, demanded his attention. His agricultural interests had been supplemented by the

acquisition of some mining interests in Georgia, and a rich vein of gold in one of these mines had caused him for a short time to believe that great wealth would probably be his. It turned out otherwise and he was not disappointed. He was also much interested in the plans being made for railroads in the South, believing that they would have an important effect in causing different parts of that section to act together politically; but when he was offered the presidency of a new road, he declined it, feeling his inaptitude for the business. He took up the steady superintendence of his farms, but beside entertaining many visitors, found time for pursuing the task of writing out his views on government.

CHAPTER XVII

SECRETARY OF STATE

WHILE Calhoun was in retirement at "Fort Hill," he received word on March 9, 1844, of the tragic death, a few weeks before, of the Secretary of State, Abel P. Upshur, and at once the thought entered his mind that he would be called to fill the vacant place. He would have preferred to take charge of the Texas and Oregon negotiations, then pending, by themselves, while some one else performed the ordinary duties of the State Department; but this impracticable arrangement was not suggested to the President. On March 6, 1844, Calhoun's name was sent to the Senate, and it was immediately confirmed by a unanimous vote. He came to the city without his family, but the next autumn (November, 1844), he returned with Mrs. Calhoun and three of his children and took lodgings at the new United States Hotel.

When he became Secretary of State, he was fifty-eight years old and his health was breaking. He had obstinate colds, and in February, 1845, was attacked by a congestive fever, which left him feeble. Thereafter he never enjoyed the comfort of good health, and was conscious that his physical condition was declining. His gaunt figure became leaner than ever; his bushy hair grew grayer; but

his eyes shone more brightly, lighted by the unearthly fire of a consuming purpose.

Before he entered the cabinet, there had been no intimacy between him and Tyler, and they did not now become warm friends. He was too much Tyler's superior to hold him in high regard, but their relations were amicable, and Calhoun found it worth his while to make himself agreeable to the President's young bride. At a dinner-party at the White House, he captivated her, even quoting love-verses—an amazing act on the part of this unromantic man, and the only recorded occasion of his straying into such strange fields.

Tyler had not, in fact, so spontaneously thought of Calhoun as his Secretary of State, as Calhoun had thought of himself for the office, and had really been forced into making the appointment before he had decided on it. Henry A. Wise, the President's *alter ego*, on his own responsibility, asked Senator MacDuffie to offer the post to Calhoun, and Tyler, fearing the consequences of repudiating Wise's action, accepted it with secret unwillingness. He could not have doubted Calhoun's fitness, but he and Upshur had been at great pains to secure, as they thought, a two-thirds majority of the Senate for the projected annexation of Texas, and a treaty signed by Calhoun, a candidate for the presidency and consequently a target for attack, might arouse opposition in quarters which had thus far been friendly.

To the project of annexing Texas, Calhoun was

fully committed, but the father of annexation neither he nor any other man was. When events in that state began to be controlled by Americans, annexation became certain, the question being merely when it would take place. For Texas to remain independent was impossible, in view of its geographical position, and it was equally impossible that the American adventurers who were in control of its destinies, would permit it to remain under the dominion of any other country than their own. Nevertheless, Calhoun had taken the lead in urging the annexation, and it must be admitted that he had from the beginning fully appreciated the consequences which would probably follow that action. On May 12, 1836, when Congress was discussing an appropriation for seacoast defenses, he remarked that it might be found that the money would be needed, not for the shore-line, but in the Southwest. Texas being then at war with Mexico, there was no doubt of his meaning, and on May 23d, he said: "He had made up his mind not only to recognize the independence of Texas, but for her admission to this Union. . . . There were powerful reasons why Texas should be a part of this Union. The Southern states, owning a slave population, were deeply interested in preventing that country from having the power to annoy them, and the navigating and manufacturing interests of the North and East were equally interested in making it a part of this Union." [1]

[1] *Cong. Debates*, Vol. XII, p. 1531.

Among his slavery resolutions of December 27, 1836, as we have seen, was one declaring that a refusal to permit the Southern or Western states to extend their limits by annexing new territory because it would extend slavery, would be contrary to that equality of rights and advantages which the Constitution was intended to secure to all the states. Calhoun's motives for favoring annexation were simple. If Texas did not fall to the United States, it would come under English control, he thought; it was even a more important strategic point than Cuba, and to take that island would be a necessity if there should ever be a prospect of Great Britain's possessing herself of it. Texas as English territory would be a point from which that government could strike a blow at slavery. Calhoun denied that his main object in advocating annexation was to secure additional slave territory; but this was the main object of his party, and it was nothing discreditable to the apostle of slavery, who deplored the lack of equilibrium between the free and slave states, that he should wish the weight of Texas added on the slavery side.

On October 23, 1843, Calhoun wrote a private and confidential letter to Francis Wharton, of Philadelphia, frankly explaining his views on the subject of annexation and the treaty. It was, he said, a question of life or death, and opposition to it at the North was due to the fact that the people there had not sufficiently weighed the consequences of Great Britain's policy and the obligation of all sections to

defend the South. The South had stood by the North in the Revolution, in 1812, and in the question of the Maine boundary ; but now the North was unwilling to reciprocate. This condition of affairs spoke badly for the permanence of the Union. If the North cared nothing about the Southern interest in maintaining the relation between the races, the South should know it. He said further :

"If we shall have the folly or wickedness to permit Great Britain to plant the lever of her power between the United States and Mexico, on the northern shore of the Gulf of Mexico, we give her a place to stand on, from which she can [brave ?] at pleasure the American continent and control its destiny. There is not a vacant spot left on the globe, not excepting Cuba, to be seized by her, so well calculated to further the boundless schemes of her ambition and cupidity. If we should permit her to seize on it, we shall deserve the execration of posterity. Reject the treaty, and refuse to annex Texas, and she will certainly seize on it. A treaty of alliance commercial and political will be forthwith proposed by Texas to her, and I doubt not accepted."

His remark about the assistance given by the South in the ratification of the treaty of Washington, was correct. He had, as Webster expressed it, "distinguished himself" by his effective support, especially in his speech delivered on August 28, 1842. He then said that if the treaty was satisfactory to Maine, the Senate ought to ratify

it. He approved of the treaty in itself; but it was peculiarly pleasing to him to have the Senate do what one state wanted it to do, because it enhanced the importance of that state. So far as the boundary was concerned, he was convinced that the line originally contended for by Maine, was the true one; but he was equally certain that the only practicable settlement of the subject was by a compromise, especially as the United States had conceded that it permitted of doubt by stipulating in the treaty of Ghent that the question might be submitted to arbitration. The boundary was that of a state, and a part of the boundary of the United States only as it was the boundary of one of the states. The soil and the sovereignty of Maine were in dispute, and it belonged to her to say what her rights and interests were. The United States was bound to acquiesce, unless to do so would be inconsistent with the honor, safety or interests of the rest of the Union. The treaty was advantageous generally, and the omission from it of settlement of the Northwest boundary was not an insuperable objection. The territory in dispute in that quarter was then held in joint occupancy under the treaty of Ghent. If the United States attempted to assert exclusive right of occupancy, the loss of the territory would be inevitable; because Great Britain could concentrate a much larger force, naval and military, in a much shorter time and at less expense than could the United States. Great Britain could bring her force there by water from China, and we must

send ours over thousands of miles of trackless desert. This would not always be the case, because our population was steadily advancing across the continent, and what we now claimed would after awhile quietly fall into our hands. Patience and time would give the fruit to the United States. The treaty provided for joint action to suppress the slave-trade; the two governments were to remonstrate with other powers on the subject of the importation of slaves, a provision which Calhoun said he would have preferred to have omitted, because he did not wish to interfere with other powers. He stated specifically, however, that he was opposed to the trade in slaves, and thought no country ought to import more of them. He admitted, also, that it was an objection to the treaty to have in it no basis of settlement of the *Creole* case and similar cases of failure on the part of Great Britain to pay for slaves which had been liberated; but he held out the hope of an adjustment of these differences at a later date.

As Secretary of State, Calhoun took up the Texas negotiations where Upshur had left them off. An envoy from Texas was actually on his way to Washington to negotiate a treaty of annexation when the Secretary died, and Calhoun completed the work within a month after he had entered the office.

There was a feature of the scheme which caused apprehension, but it was not Calhoun who was primarily responsible for it. Before the treaty was negotiated, Upshur had assured the Texan envoy

that as soon as it was signed, American troops would be moved into the state, for protection against Mexican invasion. This point was agreed to by the new Secretary and was put into effect. It certainly did not amount to making war upon Mexico, and was not an unreasonable or improper arrangement, if the treaty itself had reason or propriety.

The document went to the Senate on April 22d, but the leading senators were maneuvering for position with a view to capturing the presidency, and they sacrificed everything to that purpose. They were afraid of the Texas question, uncertain what would be the effect of the treaty's acceptance, and certain that if they ratified it, Calhoun would receive the credit. There was nothing to be gained by Whigs or Democrats in approving a measure which had originated with Tyler's administration, and Van Buren's, Clay's and Jackson's friends all opposed anything that Calhoun did. The vote for the treaty which Upshur was confident he had secured, disappeared, and it was rejected by an overwhelming majority. A specious reason was given by its opponents. They declared that it would produce war, and that the Senate and Executive had not the constitutional power to make war. Nevertheless, a few months after the rejection of the document, those who had brought it about voted for annexation by joint resolution, having ascertained in the meantime that this was a popular policy. Andrew Jackson, in 1843, wrote a letter which appeared in the Rich-

mond *Enquirer*, of March 22, 1844, favoring annexation. It was charged that it had been obtained in order to assist Calhoun's candidacy for the presidency, although Jackson was known to favor Van Buren. No one could have reasonably supposed that the old man favored Calhoun, since his hatreds were not short-lived. On his death-bed the following year (1845) when Dr. Edgar asked him what he would have done with Calhoun and his associates if they had proceeded to the full lengths which they proposed in the nullification movement, he answered: "Hung them, sir, as high as Haman. They should have been a terror to traitors to all time, and posterity would have pronounced it the best act of my life."

The effect of the rejection of the treaty and of the precipitation of the question upon the country was disastrous to the leading candidates, Van Buren and Clay. Both wrote letters opposing immediate annexation, with the result that Van Buren was defeated for the nomination, which went unexpectedly to James K. Polk, an annexationist, and the Democratic platform declared for the addition of Texas to the Union. Clay received the Whig nomination, but went down in defeat in the election as the advocate of an unpopular policy.

Before Calhoun became Secretary of State in June, 1843, certain American Abolitionists being in London in attendance on what was called a "World's Convention," told Lord Aberdeen, British Secretary of State for Foreign Affairs, that if he wished to

abolish slavery in the United States, he should begin by abolishing it in Texas; and on August 18, 1843, there was an important debate in the House of Lords between Lord Brougham and Lord Aberdeen, clearly indicating that Great Britain was making an effort to induce Mexico to recognize the independence of Texas provided that state would abolish slavery. The object openly avowed by Lord Brougham and tacitly admitted by Lord Aberdeen was by securing abolition in Texas to secure it ultimately in America. All of these facts were known to Calhoun, and prepared him for writing the note which he sent Richard Packenham, the British Minister at Washington, April 18, 1844, when he informed him that the treaty of annexation had been sent to the Senate. Taking notice of Lord Aberdeen's official statement that, while Great Britain did not presume to interfere in the internal affairs of the United States, she nevertheless desired and was constantly endeavoring to procure, the "general abolition of slavery throughout the world," Calhoun's note said that this statement aroused apprehension, and he pointed out to the United States the danger of abolition in Texas. Thus far the Secretary was standing on defensible ground, but he went on to argue that "it would be neither defensible nor wise to free the blacks in America—that, in all instances in which the states have changed the former relation between the two races, the condition of the African, instead of being improved, has become worse. They have been invariably sunk in

vice and pauperism, accompanied by the bodily and mental afflictions incident thereto—deafness, blindness, insanity and idiocy, to a degree without example; while, in all other states, which retained the ancient relation between them, they have improved greatly in every respect—in number, comfort, intelligence, and morals, as the following facts, taken from such sources [the census statistics] will serve to illustrate." Then he gave the figures to show that there was a greater proportion of defectives and dependents among the free blacks of the North than among the slaves of the South. Undoubtedly, Calhoun believed all this; but as Secretary of State he was part of a government which included under it free as well as slave states, and he was not within his rights when he put the American government on record before a foreign nation as deprecating the freedom which was the law in more than one-half of the country. Moreover, the figures of the census were under suspicion, and were stoutly asserted by many to be false. His object in sending the note, and communicating it to Congress with the treaty, was to solidify the slave-interest for the treaty; but from the beginning, the sole object of the annexationists was to save and strengthen the South and slavery, and the ground upon which the North was expected to support the policy, was that the Union would be made stronger if the South were stronger. On April 27, 1844, Calhoun said in a note to Packenham: "It [the treaty of annexation] was made necessary in order to preserve a domestic

institution, placed under the guaranty of their [the states] respective constitutions, and deemed essential to their safety and prosperity."

To preserve this domestic institution was the main reason why Calhoun had become Secretary of State. On August 7, 1844, he instructed Edward Everett, envoy at London, concerning the case of seven negroes who had committed murder and robbery in east Florida and escaped to Nassau. The colonial court refused to deliver them up, because it did not know the grounds upon which they were indicted. "What may constitute the crime of murder in Florida," said the court, "may be far from doing so according to the British laws, or even to the laws of the Northern states of America." This was construed by Calhoun as meaning that the court held that murder and robbery committed by slaves escaping from their masters were not murder and robbery under British law. Was Great Britain going to support this view? He could imagine only one ground for doing so, which was that property in man was so repugnant to the moral code that it could not be made legal, although sanctioned by the laws of the country in which it existed. On September 25, 1844, he had another opportunity. Senator Walker, of Mississippi, had introduced certain resolutions asking the President whether Great Britain had passed any legislation extending her criminal jurisdiction to the United States, and whether she had issued orders to her diplomatic and consular officers to inquire into the condition of any

portion of our population. The suspected inquiry related to the condition of the slaves, and the criminal jurisdiction alluded to was an act of Parliament meant to prohibit British subjects in foreign countries from owning slaves. Although Walker's resolutions had not been acted upon by the Senate, Calhoun sent the inquiry to Everett so that he might be prepared to answer it if it should pass. His policy on the subject of slavery was to be bold and persistently aggressive, wherever opposition to the institution could be found.

When Calhoun took up the Oregon negotiations, he was playing a higher rôle, for the question was as yet unvexed by slavery and he managed it as a national statesman. On July 22, 1844, Great Britain opened the case; but the Secretary of State did not reply to the British note for a full month, saying in excuse for his delay that he had not had time before. On September 3d he wrote to Packenham, reviewing the whole controversy and placing the case of the United States on firm ground.

He was perfectly familiar with his subject and had announced what he conceived to be the true policy of the United States in his speech of August 28, 1842, already noticed, which he later elaborated in a speech on January 24, 1843, opposing the bill to assert the ownership of the whole of Oregon. He did not deviate from this policy now; but having stated the case of the United States, wished it to be disturbed as little as possible. "Time is acting for us," he said in his speech of January 24th,

"and if we shall have the wisdom to trust its operation, it will assert and maintain our right with resistless force, without costing a cent of money or a drop of blood." Unfortunately, the party with which he acted would not trust to time, and the convention that nominated James K. Polk for President, adopted a platform asserting the right of the United States to the whole of Oregon.

Calhoun did not help to nominate Polk. Van Buren had a clear majority of the delegates and Calhoun had distinctly refused to permit his name to be presented to the convention. As the preliminary contest had been between him and Van Buren, his friends threw their influence against his rival, and Polk's nomination was pleasing to him and them because it meant a triumph of the annexation wing of the Democratic party. The platform declared for Texas, and South Carolina cast her electoral votes for Polk. His election meant annexation; but Congress had agreed to it before he became President. The joint resolution having passed by a large majority, was signed by Tyler the day before his administration closed. Calhoun was criticized for thus saving to himself and Tyler the glory for the accomplishment of their long-cherished design, but Polk appears to have thought the act a proper one, and being consulted, made no objection to the carrying out of the program. Here was a notable ending to Calhoun's career as an executive officer. Through his instrumentality an enormous area had been added to the South. The result had

been attained without war; but there were ominous signs that the act of annexation would carry in its train consequences of the most momentous character, and Calhoun wished to remain as Secretary of State to manage them. Polk, however, did not intend to make his administration a stepping-stone for a rival's use in succeeding him, so he appointed James Buchanan Secretary of State and offered Calhoun the mission to England, which, of course, he declined, and soon after the inauguration in the spring of 1845, he returned to "Fort Hill."

There had been no rupture between him and Polk, but he was disappointed that he had not been asked to continue at the head of the Department of State. His followers thought he had been treated badly, and the English mission which he refused, his friends, Franklin H. Elmore and Francis W. Pickens, also rejected. Calhoun's position in the country had now become so exalted that it would have been impossible for him to serve under any man without overshadowing him. As Tyler's Secretary of State, he had completely eclipsed that unfortunate person, and Polk, with a very moderate reputation, would have had little opportunity to improve it with the commanding figure of Calhoun standing beside him. "It is not in the power of Mr. Polk to treat me badly," wrote Calhoun to his daughter on May 22, 1845. "I would consider it, at least, as much of a favor to him for me to remain in office under his administration, as he could to me, to invite me to remain;" and he said truly

that he could not have stayed at his post after Polk had announced his policy regarding the tariff and the Oregon question. When the difficulties surrounding this question thickened, it was suggested that Calhoun be again urged to take the English mission with full power to adjust the controversy and make a commercial treaty. Under these circumstances, he would have felt obliged to accept, but again Polk did not favor the scheme.

So Calhoun returned to his work as an author, and enjoyed for a brief period his last respite from official cares.

CHAPTER XVIII

PEACE AND WAR

WHEN Calhoun left Washington, he did not intend to return. He told Francis Wharton in conversation on February 20th that he was determined not to go back to the Senate, as his health was declining and he wished to finish the work on political economy on which he was engaged. He believed, therefore, that "Fort Hill" was henceforth to be his final and permanent abode.

It became more than ever a Mecca to Southerners; and here appropriately may be put down the impression made by the prophet upon a young divinity student, Rev. Charles Cotesworth Pinckney.[1] He first saw Calhoun in the Episcopal Church at Pendleton. Mrs. Calhoun, with a flock of children, passed up the aisle, followed by her husband, a tall, angular man who looked more like a Pendleton farmer than a great statesman. After service Mr. Pinckney was introduced to him, and the moment he spoke, the young man felt that he was in the presence of genius. "I have never seen," he says, "in any other countenance so marked a transition from perfect repose to intense activity. When he addressed you, the quiescent features beamed with intellectual radiance. It threw

[1] In *Lippincott's Magazine* for July, 1898.

around the man an ethereal, indescribable charm." This was due chiefly to the brilliancy of his eyes. "I have heard lively debates between intimate friends as to their color. Some said they were hazel, others maintained they were blue, while others asserted that they were gray; and all were right." Mr. Pinckney often met the great man at the dinner-parties given in the countryside. "His conversational talents," he says, "were among his highest gifts. He was more admired by his friends and neighbors than by any other fellow citizens. They who met him on the most intimate terms honored, trusted, and loved him most. They felt his superiority, and cheerfully sat at his feet. His influence was largely due to his colloquial powers."

He managed his farm with practical ability, in spite of his theoretical cast of mind, and required of his agents good results. He was an active member of the Farmers' Society at Pendleton. He controlled his slaves kindly, but firmly, and required honest labor of all. "An accomplished lady of Massachusetts," says Mr. Pinckney, "a frequent guest at his house, is credited with the remark that the best argument Mr. Calhoun could make for slavery was to invite his friends to 'Fort Hill.'"

"His originality," Mr. Pinckney says further, "impressed me the more I saw of him. He seldom quoted books or the opinions of others. A rapid reader, he would absorb the congenial thoughts of an author and reject whatever did not assimilate with his own mental habits. His mind always

seemed to work from within, by spontaneous impulse, not by external influences, either educational, social, or political. It drove on its rapid way like some mighty automatic engine, without friction, without noise, apparently without ever stopping for fuel or water." An opinion of his gifts which opens an interesting but purely imaginative field of conjecture, was expressed privately to Mr. Pinckney by R. W. Barnwell, who succeeded Calhoun in the Senate, and who had an intimate knowledge of his mental qualities. "Mr. Calhoun," he said, "should have devoted his life to authorship rather than to politics. He would have been the most original and philosophical writer that America has produced, and would have left a far stronger impress upon the public mind."

Soon after his return to "Fort Hill," he made an effort to borrow $30,000 from Abbott Lawrence, the Boston capitalist, who although a Whig in politics was always his warm friend. His son was now associated with him in his farming and they proposed to pay the loan by delivering annually 100,000 pounds of picked cotton, which he calculated would be worth six cents per pound. His object in seeking the loan is not known; but it was probably a desire to invest in the railroad enterprises which at this time he was actively encouraging. Lawrence viewed Calhoun's scheme as a bad business proposition, but he and his friends were willing to advance the money to oblige him. Learning of this, Calhoun promptly withdrew his request. Un-

less the loan could be made on terms mutually advantageous, he would not accept it. The transaction shows with what scrupulous care he strove to keep his personal finances from being improved by his public position.

In small affairs he was not always able to prevent the respect in which he was held by the people from contributing to his personal convenience. In the autumn of 1845, when he went to attend the Memphis Convention to consider ways and means of developing the natural resources of the Southern and Western states, he received on his journey there and back, from people of all parties and classes, marks of consideration which touched him deeply. Not even Jackson himself had been shown greater honors, and it was Jackson's country. Every town to which he came made him its guest, and passed him through without expense.

Soon after arriving home from this convention, it was apparent to him that events had taken a form which demanded his return to official life. The country looked to him in its need and the call was wide-spread and flattering, coming from Whigs as well as Democrats. His followers wished him back in the Senate because they thought the addition to his fame which he would surely win, would enable them even yet to put him in nomination for the presidency.

The Albany regency, with Van Buren at its head, was under a cloud, and it was believed that James Buchanan, the new Secretary of State, would soon

retire to become a judge of the Supreme Court and that Calhoun would again enter the cabinet. A determined and carefully planned effort was made by his friends to arrange for his nomination as Polk's successor. He had a following of free-traders in New York, where there was a standing Calhoun committee. It was determined to start, in that city, a Calhoun newspaper which, when he should become President, would be moved to Washington to be the administration organ, but the necessary funds could not be raised. His followers were unselfishly devoted to him and his principles, and were not like the self-seeking spoilsmen who worked so lustily for his rivals. Pennsylvania always looked kindly upon him, and even in New England his course on the Oregon question gave him prestige. On March 30, 1846, Abbott Lawrence introduced to him William H. Prescott, the historian, and Charles Sumner, who wished to know him and held his character and abilities in high estimation. Lawrence himself said there was no man with whom he desired more to have social converse.

Calhoun's hopes of the presidency revived, and it was his conviction that the times required his presence in the Senate. One of the senators from his state was the Daniel E. Huger who had so valiantly fought against him in 1832, but Huger was now a Calhoun man and he willingly resigned to make place for the leader. In December Calhoun left "Fort Hill" with his wife and daughter Cornelia for another residence in Washington.

He had a clear idea of what ought to be done in relation to our foreign affairs, and it was that which the administration was not doing. The Oregon question should be kept in the background, since the position of the United States became stronger by every day of delay, because American settlers were pouring into the territory and taking possession of it. Left by herself, without hope of making common cause with England against the United States, Mexico would not dare to go to extremities. She had already failed in her contest with Texas alone, and would hesitate long before risking an encounter with the United States. Calhoun's treaty had not defined the boundaries of Texas, leaving the question for subsequent negotiation, and the joint resolution had also been silent on this point. If it could be kept out of sight, there was good reason for supposing that Mexico might be brought to acquiesce in the annexation. Calhoun was convinced that war could be avoided and he always believed that if he had been continued as Secretary of State, it would not have taken place. The contrast between his and Buchanan's management of the foreign affairs of the nation, was noticed and increased his reputation.

Polk seemed to desire a war with Mexico and did everything to make it inevitable. On January 13, 1846, he secretly ordered General Taylor to advance his force to the Rio Grande. Calhoun knew nothing of this order for several months, and when he heard of it fully realized that it rendered the situation perilous in the extreme, for the territory

which Taylor was to occupy was claimed by Mexico, and Texas herself had offered to arbitrate the question of ownership. No one could truly say it was certainly a part of that state. It was impossible that even a weak power like Mexico could submit to being thus robbed without resistance. The force back of the robbers was too strong for Calhoun, being, in fact, composed largely of his own followers, and he could not control it, but neither could it control him.

In dealing with the Oregon question, he was more fortunate. Polk was elected to the presidency upon a party platform which asserted that "all Oregon" belonged to the United States, the boundary being the 54° 40′ parallel of north latitude; but while "fifty-four forty or fight" made a good cry for a political campaign, many who voted for Polk did not take it seriously. He himself never thought beyond political platforms, and the motive of all his actions was the immediate political advantage which he and his party would derive. The day before his inauguration, Calhoun hinted to him that he would do well not to agitate the Oregon question, but he brought it forward with all the solemn importance which attaches to a policy when announced in a President's inaugural address. It was noticeable, however, as the only loophole of escape from the serious consequences of his rashness, that he proclaimed American ownership of "Oregon," which might not necessarily mean a claim to "all Oregon."

Whether "all Oregon" belonged to the United States was a question, the answer to which was hopelessly lost in disputes over conflicting claims to priority of discovery; but there was hardly ground to dispute that Americans had first occupied the territory up to the forty-ninth degree of latitude.

The country which was now a bone of contention, had for many years been treated with indifference by both England and the United States, and for a long time American statesmen believed that there were no interests worthy of serious consideration west of the Rocky Mountains. Nevertheless, when the peace of 1814 was made, Great Britain was required to yield up the far western posts taken during the war, and in 1818 a convention was agreed to by which all land west of the Rocky Mountains claimed by both countries was left open to settlement by the citizens of both for ten years. In 1827, it was still apparent that agreement on the subject of boundaries could not be reached, so the convention of 1818 was continued with a proviso that either country could, on six months' notice, withdraw from it. In the meantime the importance of the territory increased. In 1832 a small band of Americans settled in the valley of the Willamette, south of the Columbia River; in 1837 a report was laid before Congress showing the great value of the country, and in 1838 a bill was introduced to organize a territorial government.

The agitation to terminate the convention of 1818 and 1827 then began. In 1841 it became known that

the British Hudson's Bay Company was importing settlers into the territory, and the American inhabitants sought actively for recognition. In the meantime England and the United States had amicably settled the northeastern boundary question by the treaty of Washington, and the way was clear for taking up the northwestern boundary dispute. But opposition to England, the traditional enemy of the United States, was always popular with voters, and to espouse what seems to be the American side in an international question has always been a good way to win elections; so a political party took over the Oregon controversy as an asset, and thereafter it became extremely difficult to settle in a calm and deliberative spirit. Back of the clamor for "all Oregon," however, there was a healthy sentiment of which Calhoun was the spokesman, insisting that territory actually settled by Americans should not be given up.

When Secretary of State, he had dealt with the subject on a broad basis of statesmanship, as it was not then a party question. In reply to Sir Richard Packenham's proposals of July 22, 1844, he had taken up the matter from the very beginning and had made a most elaborate presentation of the case of the United States. He declined the British offer of the forty-ninth parallel as the boundary and laid claim to the entire region drained by the Columbia River. Our right rested upon our own discoveries, he declared, and the title which we

had purchased from France and Spain with Louisiana and the Floridas. Captain Grey had discovered the river in 1792; Lewis and Clark's expedition had confirmed the discovery in 1804; John Jacob Astor had settled the country in 1811; we had purchased all the previous titles which were in France and Spain, and had a connecting claim of title stronger than all opposing titles. The note was clear and well constructed. The arguments were not new, but it was the best exposition of the case of the United States which had thus far been made. On January 31st he declined to arbitrate the dispute, because he thought it could be settled by ordinary diplomatic methods.

A few months later Secretary Buchanan took up the matter, and in the place of Calhoun's reasonable policy, substituted a policy of bold pretense, which had for its main object the strengthening of the Democratic party. On July 12, 1845, he told Packenham that while Calhoun had claimed the entire region drained by the Columbia River and its branches, the United States really owned the territory north of the river up to the parallel 54° 40′, and was embarrassed by the position already taken; he now reaffirmed it only for the sake of consistency. As soon as the British minister declined to consider the demand, it was withdrawn and the assertion of ownership to the whole territory put forward; and when Congress convened on December 2, 1845, it received Polk's announcement that claim had been made to "all Oregon." The an-

nouncement caused wide-spread consternation, for it revealed a truly alarming situation, which, if it were logically pursued, must lead to war. The hope of extricating the country from the position in which the President had put it lay with the Senate, and Calhoun stepped to the front with a resolution declaring that the contradictory claims to the territory ought to be settled by treaty. His object was to bring about prolonged negotiations and profitable delays. He announced that his policy was one of "wise and masterful inactivity." The Northern Whigs and the South ranged behind him and accepted his leadership. Not since the days before he was a nullifier had he enjoyed so high a national position. He realized the utter folly of the Democratic policy and that persistence in it meant certain ruin. A rupture with England signified that the disputed territory would surely fall into her hands, because she had at the time a victorious army in China which could be thrown into Oregon in a few weeks, whereas an American army would have the well-nigh impossible task of crossing the American desert. It took six months to accomplish this, and it was almost beyond belief that an army could effectually survive the hardships. But there was another phase to the question. When the country was at war, state lines were flimsy barriers to the growth of national feeling. Calhoun had no notion of again awakening the spirit he had so enthusiastically aroused in 1812. He knew also that if England conquered, as she probably would, slavery

would be doomed, for her predominance on the continent would give her power to carry out her abolition plans. That his course deserved the praise which sober men in both parties lavished upon it, is true, but his motives were only partly those of a national statesman.

It may be doubted, however, whether the prevalent fear of war was well-founded, and certainly it was exaggerated. Polk asked for no additional land or naval forces and all military activity was being concentrated in the Southwest against Mexico. The relations between England and the United States did not wear the signs which usually precede war. Notwithstanding the loud talking, there was little real heat, and men did not feel deeply stirred over the destinies of a few settlements in a region which was so remote that they hardly realized its existence and were incredulous of its importance. "Fifty-four forty or fight" had served its chief purpose when the campaign was over.

Accordingly, when the British minister pressed his offer to make a convention with the forty-ninth parallel as the boundary, the people were prepared to accept it, and the administration was glad to transfer to the Senate the business of extricating the country from the false position in which it had been placed. In sending the draft of the convention to the Senate and asking its advice, Polk followed a course which was not without precedent, but was unusual. Before the functions of the Senate had become settled, General Washington had personally

attended a session in order to obtain its views on the subject of a pending treaty. He was disgusted with the result and declared roundly that he would never enter the chamber for such a purpose again. After that, the Senate had been consulted only with reference to the ratification of completed treaties. While Polk's course was permissible, it was impolitic and unwise, although the outcome was fortunate. Great Britain managed her case with deliberation and in secret council; the United States debated its side before packed galleries and in the full hearing of its adversary. On March 16, 1846, Calhoun made his great speech. The Senate galleries were crowded with his admirers, many of whom had come as early as eight o'clock in the morning to get seats, and hundreds were turned away. The key-note of his address was that there must be compromise or there would be war, and that it would be inexcusable if we resorted to arms to obtain territory which we had formerly not claimed as ours. The administration's attitude was untenable and must change because conditions had changed. War with England meant war with Mexico.

The peace party was in a majority in the Senate and its leader controlled the situation. In the beginning it had been in danger of complication by the introduction on January 14, 1846, of a resolution announcing it as the opinion of this government that any effort on the part of European powers "to intermeddle in the social organization or political

arrangements of the independent nations of America, or further to extend the European system of government upon this continent by the establishment of new colonies would be . . . dangerous to the liberties of America, and therefore would incur . . . the prompt resistance of the United States." Calhoun opposed this as a dangerous and inopportune pronouncement. He wanted to know if the United States was prepared to take up the guardianship of the whole family of American states and protect them from all foreign aggression. If so, then we must prepare to defend that guardianship. He said that the announcement of Monroe, although as a young and inexperienced man he had agreed to it, had not been approved by some wise-heads. No practical benefit had resulted, as it had been followed by no action on the part of our government. It was plain, however, that his main objection to the resolution was that it interfered with the settlement of the Oregon question.

As soon as the Senate advised him to do so, the President signed the treaty accepting the forty-ninth degree of latitude as the northwestern boundary and the Oregon dispute was ended. The result was extremely fortunate. Five days after the instructions of the British government to its minister in Washington to sign the treaty left London, news was received in that city that hostilities between the United States and Mexico had begun, and had this been known before the instructions were written, they

would doubtless have been less favorable to the United States.

While Calhoun had been able to accomplish his purpose so far as Oregon was concerned, he was overwhelmed by the course of events in Mexico and powerless to stop the fatal progress of his party. The precipitating conflict of May, 1846, he insisted, was not war, but merely a collision between troops on the frontier; and when the declaration of hostilities was rushed before the Senate, he would not vote for it. If there could have been even a little time for deliberation; if he had been allowed to deliver but one speech, he firmly believed that he could have carried the Senate with him and defeated the declaration; but he could not make himself heard and war was a fact in spite of his efforts. He seemed to foresee what would happen—that the war would eventuate in a vast addition to the national domain and that it would not be Southern or slave territory, but would go to strengthen the hands of the North. He was keenly alive to the fact that the South had rushed away with a false idea and had wedded itself to it, and that in opposing the war, his popularity, now greater than it had ever been, would suffer; but he believed the displeasure would be passing. He manifested in this crisis of his political career a degree of moral courage which commands admiration. He had but to nod his head and he would be his party's idol, but his convictions were formed and he would not be false to them. Other public men who opposed the war, had

little to lose compared with his loss, for his party and his most devoted political friends—those who had stood behind him and unselfishly toiled for years to keep him at the front—were all, to a man, in favor of what they considered to be a Southern war. They thought it would result in incalculable benefit to the South and would put that section once more in control of the destinies of the nation. They wanted Calhoun to lead into the conflict, to control its progress and upon its termination to ride triumphantly into the presidency. Dixon Lewis wrote to Crallé, on May 11, 1848, that if he had only stood with his party, this would have happened. "Then," said he, "all the politicians in the country could not have kept him from being President. I was provoked, I confess, to see him throw the game away—I told him I wished he had a little more of that 'masterly inactivity' which would keep him from risking himself and his friends on occasions when all he had to do was to keep out of the traps and ambuscades set for him by his enemies. He reminds me of a great general, who wins great battles and then throws his life away in a street fracas. By his self-sacrificing course particularly over the Mexican War he has lost the presidency, and he has put himself in a position where not a friend he had out of Carolina could sustain him *and live*."

This falling away vexed Calhoun. "He himself has been so little accustomed to see his friends think and act independent of him," said Lewis, "that he has not taken it well."

CHAPTER XIX

THE INSPIRED LEADER

On June 26, 1846, Calhoun presented to the Senate the memorial and report adopted by the Memphis Convention. He had drawn it up himself and it is interesting as showing his matured views on the subject of internal improvements by the general government. In his earlier career he had favored such improvements on the broad ground of their usefulness, but now he had learned to test governmental questions by a different touchstone. It was the custom of many of the gentlemen of South Carolina to carry about with them pocket-editions of the Constitution, and some of them knew it by heart. Such close study of a written document produced as diverse results in political beliefs as close study of the Bible has produced in religious beliefs. Calhoun, for one, emerged from a study of the written Constitution of the United States, closer than any other statesman has ever made, with political views which for their curious impracticability are only comparable to the religious conclusions reached by some of the closest students of biblical text.

Deriving the power to make internal improvements from the clause of the Constitution which permits Congress to regulate commerce among the

several states, he declared that the Mississippi River and its navigable tributaries, as they ran by several states, could be improved by the general government to the extent of removing obstructions and building ports for naval vessels; but harbors for commerce must be built by the states. A river bordered by less than three states must be improved by the states bordering it. The Federal government could not build roads and canals. These views show how detrimental to efficient government a written constitution can be made, if only its language is construed strictly enough.

But Congress did not long concern itself with the matter of internal improvements. Mightier problems were soon before it and it was Calhoun who brought them forward. An enormous territory had been added to the national domain, and government must be established over it;—should it be slave or free? It was the Missouri question of 1819 over again; but whereas Calhoun had looked on at that contest, he must now perforce be in the thick of the fight. New territory, taken from Mexico by conquest, he did not want, and he viewed the progress of the war with great alarm. He believed the administration contemplated taking the whole of Mexico, and if this were done, the Union would certainly fall asunder. In January, 1848, he made a speech, which, in his opinion, checked the scheme, and when the treaty of peace came before the Senate on February 28th, he welcomed it as a fortunate deliverance.

It had by this time become apparent that a Northern wing of Calhoun's party was impossible. Public opinion in the North had become convinced that slavery was a sin. The press proclaimed this view, and it was being taught from the pulpit and in the schools and colleges. The anti-slavery sentiment was progressing steadily and independently of the propaganda of Wendell Phillips and William Lloyd Garrison, which was not as effective as the more temperate arguments of less fanatical men. Garrison and Phillips had few followers, and intelligent people everywhere deprecated their methods. Southerners knew that the South was steadily losing ground—that its credit and moral force were declining, that emigration was passing it by, and, worst of all, that the slaves themselves were beginning to understand that society was being stirred to its depths on their account. Nevertheless, the South was not united against the North, and Calhoun's state was the only one that could be certainly counted on to antagonize all anti-slavery measures. Everywhere else Southern Whigs, who were numerous, clung to a union with Northern Whigs. Calhoun's lieutenants, scattered all over the South, and busy for the slavery cause, complained that they encountered a general lethargy. Money was raised and committees of correspondence were formed by the Calhoun party, but the people would not be aroused.

In 1845 Dr. Henry B. Bascom of Kentucky, published a pamphlet on Methodism and slavery, which

had a large circulation, and in it he said that slavery was generally admitted in the South to be an evil, and that every one would agree to any safe deliverance from it. Most Southerners acknowledged that this was the truth. In September, 1845, Calhoun himself said that up to the last ten years, nearly every one had defended the relations between the races in the South as a necessary evil, which they wished to be rid of as soon as possible. He rejoiced to be able to add that great progress had been made toward what he called sound principles.

With sound principles went as an inevitable companion disunion principles, and Calhoun's followers were openly avowing them. As soon as they believed the Union was oppressing them, they wished to abolish it. They called themselves "Calhoun Democrats," and never lost the hope of nominating their leader for the presidency.

When the "Wilmot Proviso,"—stipulating that there should be no slavery in the new territory about to be acquired from Mexico,—came before the Senate, Calhoun met it on February 19, 1847, with a set of resolutions, to the effect that Congress had no right to make any law which would discriminate between the states of the Union, nor to deprive any citizen of the right of emigrating with his property (meaning slaves) into any territory, nor to impose any conditions on a state before admitting it into the Union. In his speech supporting the resolutions, he showed that the free states already had one hundred and thirty-eight votes in the electoral col-

lege and the slaveholding states but ninety; that there was a majority from the free states in the House and that the Senate was evenly divided only until two senators from the free state of Iowa should take their seats. More free states would be formed from time to time, and eventually there would be twenty-eight of these states to oppose fourteen slave states. Could the free states be trusted to guard the rights of the slave states? Unless the balance between the sections was maintained, he foresaw that revolution and civil war would follow. The Constitution must be invoked to preserve the sovereignty and equal rights of the states.

Thomas H. Benton characterized Calhoun's resolutions as "a string of abstractions," and said he saw in them "many nullifications"; but, even if they were not abstractions, and even if Congress had adopted them, they would have yielded no permanent benefits to the South, for a subsequent Congress would have repealed them.

At the session of 1848, the question of establishing a territorial form of government for Oregon was brought up for the second time. There were no slaves in the territory, and Southern members admitted that this kind of labor could not be introduced there, but the principle was at stake, and the House bill making Oregon free soil was fought bitterly.

Calhoun saw something to support his slavery views in almost every question coming before the Senate. He opposed the suggestion of the Presi-

dent, made in a special message, April 29, 1848, that the United States should occupy the Isthmus of Yucatan, a province of Mexico, in which the Indians had revolted and were killing the whites. The President asserted that our occupation was required by the Monroe Doctrine, because, if we did not come to the rescue of the white people, England would, and she would obtain dominion and sovereignty over Yucatan. To this interpretation of the Doctrine Calhoun demurred, saying it was far beyond anything intended by Monroe. Even if Great Britain did occupy Yucatan, it would prove a worthless possession. The people, when they threw off the Spanish yoke, had raised the aborigines to a level with themselves by freeing them from the subjection in which they had been held, and now were reaping the consequences. Similar consequences would follow in more civilized countries as the fruit of misguided philanthropy.

On June 27, 1848, Calhoun made a speech on the Oregon bill, in which he announced the position from which he did not afterward depart. He had, he said, believed from the beginning that this was the only question strong enough to dissolve the Union, and that if it was permitted to go beyond a certain point, which it was rapidly approaching, its settlement would be impossible. On August 19th, he spoke again, extolling slavery. It had, he said, like the waters of the Nile, spread a fertilizing influence over all the world. He solemnly declared that the question at issue could never be settled un-

til the South took it into its own hands, and if the great struggle should come, the North would suffer more than the South. His mind and all his energies had been devoted to upholding the Union, and he appealed to the Senate not to destroy it by passing a bill which would render it impossible for the Union to continue. Two days later (August 12th), when the House insisted upon doing so, he said mournfully: "The great strife between the North and South is ended. The North is determined to exclude the property of the slaveholder, and of course the slaveholder himself, from its territory." He saw no division of sentiment on the subject in the North, but he added sorrowfully that there was division in the South. The separation of the two sections was now completed, and it was for the South to show that, dearly as she loved the Union, there were questions of greater importance.

The House bill passed the Senate by four votes, and Calhoun insisted that the responsibility for bringing matters to a crisis rested upon the North. If it embraced Abolition, it knew that disunion must follow.

When Congress came together in December, 1848, it listened to Polk's long message, in which he congratulated the country on its happy condition, and then resumed the debate which showed that its condition was most unhappy. On January 9th, Berrien reported the bill for the admission of California to the Union, and on February 5th, Hunter presented the resolutions of the legislature of Virginia, recit-

ing that the government had no control whatever over slavery, that it had no right to prevent its introduction into the territories, that any law to abolish slavery or the slave-trade in the District of Columbia would be an attack upon the institutions of the Southern states, and that the adoption of the Wilmot Proviso would require united resistance on the part of the South.

Did the Constitution extend over the territories? If it did, then slave property in the territories was protected. On February 24th, Calhoun spoke, contending that the Constitution went wherever United States authority went, and that Congress, a creature of the Constitution, had no power beyond the reach of the Constitution. The debate produced nothing conclusive and the session, being short, ended with no material change in the position of the opposing forces.

Calhoun now renewed with vigor his efforts to bring the South to a realization of the impending crisis. There should be a convention of Southern states, he thought, so that a united front could be presented, and the North be convinced that its policy must change or the South would withdraw from the Union. The partnership had become destructive of the safety of the South, the main purpose for which it had been formed. In April, 1849, he wrote that the time was near at hand when his people must choose between disunion and submission.

When in the autumn of 1849 Mississippi issued

an "Address to the Southern States," calling for a convention at Nashville in June, 1850, he urged them all to send delegates, for he was convinced that the time for action had come.

In December, 1849, Calhoun attended his last Congress, one of the most notable sessions ever held. Henry Clay, now an old man of seventy-two years, had returned to the Senate, after several years' absence, to go through the last scenes of his political career. He had appeared on the public stage a few years before Calhoun, but he had first caught his audience when he and Calhoun stood side by side for the same cause in the House of Representatives in 1811. Fears of the destiny of their country and doubts verging on despair had taken the place of the enthusiasm and bounding hopes of their younger days. They were now as far asunder as the poles, but they were agreed on one point—they would do all they could to preserve the Union. Daniel Webster was there, also serving for the last time. He had matured later than either of them, but his splendid powers had grown and mellowed, and, untrammeled by the fatal surroundings which made Calhoun the advocate of a doomed cause and Clay the maker of compromises which could not endure, he was laying down the only interpretation of the Constitution upon which a great nation could be built. The great triumvirate dominated the occasion and held public attention for the last time, and passed off the stage, fast following one another. Calhoun went first, and a few

months later Clay left, having carried his compromise measures. His public career was closed and he died two years after Calhoun. Webster retired from the Senate to the State Department before the compromises were passed. He was born in the same year as Calhoun and died a few months after Clay. With the disappearance of these great men, closed the most brilliant chapter in the history of the Senate.

On January 29, 1850, Clay offered his compromises to secure "the peace, concord and harmony of the Union." California was to be admitted as a free state; territorial governments in the territory acquired from Mexico were to be organized without restriction as to slavery; the disputed boundary between Texas and Mexico was determined; the public debt of Texas was provided for; slavery in the District of Columbia was not to be abolished without the consent of Maryland and the people of the District; the slave-trade in the District should cease; there should be stricter laws concerning the surrender of fugitive slaves; there should be no restriction of the slave-trade between the states. These measures were adopted in substance one by one after Calhoun died. He was unalterably opposed to admitting California as free and to touching the question of slavery in the District. He favored the fugitive slave and slave-trade propositions and the establishing of territories without restriction of slavery, but he was not prepared to follow Clay's lead. He made one speech

—his last—and his plans were shattered when they were of greater importance to the South than they had ever been before. Armed and ready for battle, confident that he had right on his side, believing that he and he alone could win the fight for the South, he fell, conscious that disaster would overtake his people because of his untimely taking-off.

Toward the end of January and before Clay's compromises were introduced, Calhoun became ill with pneumonia. His lodgings were at Hill's boarding-house on Capitol Hill, in the row of houses between A and East Capital Streets and only a short walk from the Capitol. On February 18th he had recovered sufficiently to go to the Senate chamber, but the next day the weather was bad and he kept his room, having a return of cold and fever. In the ensuing days his condition improved, but he still had an obstinate cough and was very weak. His one desire was to be back in the Senate, and on March 4th he was there, carrying with him the speech which was to be the final effort of his life. He was warned by his friends that he was too ill to deliver the address himself, so he gave it to James M. Mason, a senator from Virginia, to read. Mason had a fine delivery and pronounced it with dramatic effect, and as his voice rang through the Senate chamber, Calhoun sat silent beside him, his rugged countenance motionless as if it had been chiseled in stone.

It is not too much to say that this was the most important speech made by a Southern leader before

the Civil War, and that no other public utterance did more to crystallize popular sentiment. It raised the curtain and revealed the true drama that was acting, and it foretold the future with dreadful prescience.

Calhoun began by reminding the senators that he had already warned them that agitation of the slavery question must end in disunion. The gravest of all problems now confronted the government—how could the Union be preserved? It was idle, he proceeded, to deny that the South was in a state of dangerous discontent, arising from the attitude of the North toward slavery, and the fact that the equilibrium of power between the sections had been destroyed, thus placing one section at the mercy of the other. A system of taxation had been adopted, which placed the greater part of the burden upon the South, and measures had been passed changing the character of the government. These began even before the Constitution went into effect, when the Ordinance of 1787, for governing the territory northwest of the river Ohio had been adopted by the old Congress, excluding slavery from the entire region. This had been followed by the Missouri Compromise, excluding it from the territory acquired from France above a certain line; then had come the act keeping it out of Oregon; so that now there were 1,238,025 square miles of free territory, and slavery had at most but 609,503 square miles.

If the territory acquired by treaty from Mexico

was to be free, the South would have but a fourth part of the land acquired by the United States since the Declaration of Independence. The general government had reached the point where it asserted the right to judge of its own powers and execute them by force. We were no longer a Federal republic, but had become a consolidated democracy. The South was, consequently, at the mercy of the North, which regarded slavery as a sin and a crime. The Abolition agitation started in 1835, when petitions to abolish slavery in the District of Columbia began to come before Congress, and thereafter extended its influence throughout the country. What was a small fanatical party had been courted by the other parties for the votes it controlled and its power had spread rapidly. The South was now, therefore, obliged to choose between Abolition and Secession. Already many of the cords binding the Union were broken. The great religious denominations had generally, except in the case of the Catholic Church, local and national governments like those of the state and Federal governments; but the powerful Methodist Church had split into hostile factions—one North, the other South. So had the Baptists, and the Presbyterians were about to follow. The two great political parties, which had originally extended over the whole country and bound it together, were now become sectional. Soon there would be no bond of union except force, and this was not union but subjugation. The Union could be saved only by satisfying the

South that it could remain in it with safety and honor. It could not be saved by crying, "Union, Union, the glorious Union!" any more than a patient dangerously ill could be made well by crying, "Health, health, glorious health!" The cry usually came from those who were working to destroy the Constitution and consequently the Union—from those who were rendering nugatory the constitutional requirement concerning the surrender of fugitive slaves, and advocating the abolition of slavery, although the Constitution safeguarded it to the states. The Union was a means to an end.

How could it be saved? By observing justice toward the South and conforming to the Constitution. Concede to her an equal right in the newly-acquired territory, observe carefully the law relative to fugitive slaves, cease agitating the slave question, and agree to an amendment to the Constitution restoring the equilibrium between the sections. If the North was not prepared to settle the questions at issue on this basis, let her say so, and let the states part in peace; let her say so and the South would know what to do. He closed by declaring that he had done his best to arrest the agitation of the slavery question and save the Union; but if that could not be done, his efforts would be directed to saving the South, where he lived and upon whose side were justice and the Constitution.

The leader of a doomed cause, upon whom the hand of death had already been laid, listened to his

own words, which foretold the destruction of all that he held most sacred. The measures against which he most bitterly inveighed were the achievements of Southern men. The clause of the Ordinance of 1787 for the government of the territory northwest of the river Ohio, which made that vast domain forever a freeman's country, was written by William Grayson of Virginia, and voted for by every Southern member of the Congress. The Compromise of 1820, which was the next step toward the undoing of the South, according to Calhoun, was the creation of another Southerner and was carried by Southern votes. Not even now, after all of his great efforts, could Calhoun claim to have a united Southern people at his back. There was Foote, of Mississippi, protesting against his course; Houston, of the new state of Texas, a Virginian by birth, drawing bursts of applause from the galleries by his fervid promises to stand by the Union; and Benton of Missouri, born in North Carolina, and Bell of Tennessee, opposing him manfully. All of these and others represented constituencies firmly set against all that he stood for. None of them, it must be understood, agreed with the Northern Abolitionists, whose efforts made peaceable or gradual lawful emancipation impossible; and no Southern man, however much he abhorred Calhoun's party, favored the sudden and general freeing of the blacks on Southern soil. Considerations for their safety and the future of their section, as well as their own self-interest,

compelled them to oppose such an idea. Nevertheless, Calhoun heard that Louisiana was almost a free-soil state. The population was composed of mixed elements, and among the strong Union leaders were several anti-nullifiers, who had left South Carolina in 1834 when Calhoun had triumphed there. The President, a Louisiana man and a slaveholder, was against him. One of Calhoun's correspondents in Alabama said that if the question of submitting to the North or breaking up the Union were put to the people, they would prefer Union and submission. From Virginia he heard that a large portion of the state was willing to accept the Wilmot Proviso. From Georgia, Herschel V. Johnson, afterward governor, senator and candidate for the vice-presidency, wrote on July 20, 1849, that the people of the South were not thoroughly nerved to united resistance.

Some of Calhoun's followers were becoming frantic. J. H. Hammond, who went to the Senate in 1857, wrote that he would like to "kick them [the Northern members of Congress] out of the Capitol and set it on fire," and he spoke disdainfully of "that Union for which the South and West have had such a bigoted and superstitious veneration." He was ready for anything, and said Calhoun must write the Constitution of the new Southern confederacy. A united South would, his followers declared, nominate him for the presidency; but they were working to prevent the Union from holding together until another presidential election.

A correspondent wrote from Alabama, on April 29, 1849: "The public mind is rapidly being prepared for what must come at last—the dissolution of the Union, *but we must have time.*" All his correspondents reported the want of appreciation of the crisis in the South, but some discussed the question of raising troops, and one proposed that a plan be perfected for having the slaves sack Northern cities. Those who lost their heads so completely must have been conscious of impending defeat. They knew that the free-soil sentiment at the North was spreading steadily, and that the Northern view of slavery was being disseminated all over the world. Southern men in Europe found that all foreigners were looking at slavery with Northern eyes.

The great nullifier was fighting with the energy of a hundred men, and in South Carolina his control was so complete, that newspaper editors wrote to him to learn what opinions they should express. He had become the slavery cause incarnate, and the few Northern men who sympathized with that cause asked him, like his devoted children, what they should think, while Southerners waited for his words. For example, Reuben Chapman, Governor of Alabama, wrote to him on October 16, 1849, asking what he should say in his annual message on the subject of slavery and the territories.

Shortly before the Taylor administration began, the Southern members of the Senate and the House met constantly to devise measures to arouse the South. Finally they adopted an address to the people of

their section which Calhoun had prepared, modeled upon the Declaration of Independence and deemed by its author a document of not less importance. Only one senator from Missouri, one from Louisiana, and one from Alabama, signed it. There were none from Maryland, North Carolina, Georgia, Tennessee, Kentucky, and Texas. The names of only twenty-six representatives were among the signers, whereas the Southern representation in the lower house numbered eighty-nine. But a moiety, therefore, of the Southerners in Congress accepted the document, and to obtain even this slender support, Calhoun had been obliged to soften some of the expressions in his original draft. Nevertheless, the manifesto was important and marked a point onward in the march of secession which Calhoun was leading. It put before the South the extent of the encroachments upon its rights and set forth its grievances; then dipped into the future. To free the slaves in the South, it said, would cause untold misery and could be effected only by the prostration of the white population. Hostile feelings between the North and South would follow, and the negroes would side with the North. They would confer favors on each other, and, impelled by fanaticism and love of power, the North would raise the blacks to "a political and social equality with their former owners, by giving them the right of voting and holding public offices under the Federal government. But when once raised to an equality, they would become the fast political associates of the North, acting and

voting with it on all questions, and by this political union holding the white race at the South in complete subjection. The blacks, and the profligate whites that might unite with them, would become the principal recipients of Federal offices and patronage, and would, in consequence, be raised above the whites of the South in the political and social scale." There would be a change of conditions, and the white people would flee from the South, leaving the negroes in control.

CHAPTER XX

THE DEAD SENATOR

On March 7th, when Webster made his famous speech intended to conciliate the slave power, Calhoun was in his seat and replied briefly. To Webster's impassioned declaration that the Union could not be dissolved, his answer was that it could—that great moral causes would destroy it, if they were not checked. He did not speak again till the 13th, when he said that he and General Cass stood for two totally different methods of saving the Union. Cass proposed palliatives that would accomplish nothing, for the South would never be safe while the North held possession of preponderating power which it could use in any manner it pleased. Calhoun insisted that new guarantees must be given, with a constitutional amendment to make them binding.

He did not state the nature of the constitutional amendment which he would offer or accept. It is probable that he put forward the idea now and in his great speech a few days before in the hope that it would be favorably received, when it could be given such a shape as would make it acceptable to both of the sections. This was the method that he always followed, and it was not his habit to offer radical propositions when their success was hopeless.

It is altogether improbable that he intended to introduce an amendment looking to the creation of a dual executive, and historians, who have concluded that such was his purpose, are mistaken. This idea had recently occurred to him, but it had not become fixed and he had not elaborated it into a definite proposition. To consider it we must turn back for a moment to his *Discourse on the Constitution and Government of the United States*, which, as a matured document, we have already treated.[1] The concluding pages had been written after the Mexican War and just before their author went to Washington for the last time. Here he dealt with the questions before the Senate in the same way as in his speeches. Some of the evils, the Discourse said, which had been practiced since the Constitution went into effect, had become so fixed that they could not be overcome except by amendment of the Constitution. The equilibrium between the sections had been permanently destroyed and the Union was in danger. It was necessary, therefore, that there be an organic change to assure to the weaker section protection from the stronger. "It might be done," said the Discourse, "in various ways. Among others, it might be effected through a reorganization of the executive department, so that its powers, instead of being vested, as they now are, in a single officer, should be vested in two;—to be so elected as that the two should be constituted the special organs and representatives of the respective sections in the executive

[1] See *ante*, p. 94.

department of the government; and requiring each to approve all the acts of Congress before they shall become laws. One might be charged with the administration of matters connected with the foreign relations of the country; and the other, of such as were connected with its domestic institutions; the selection to be decided by lot."

These thoughts he did not communicate to any one nor inculcate in any of his disciples, and there is no indication of an intention on his part to offer them in the field of practical legislation.

His remarks on March 7th were his last in the Senate, and he spoke them in evident pain, his voice broken and hoarse and his frame sinking with fatal disease. He was a dying man, and his mind was making the final effort to conquer the invader of his body. The next day Cass saw him at his boarding-house and he expected to be in his seat to resume the debate; but in the ensuing days, while discussion raged, he lay dying in his lodgings across the park, which separated them from the Capitol. While his body was rapidly sinking, his mind continued in full vigor, and his associates visited him and took counsel with him. He busied himself with his papers, and clung desperately to everything that connected him with the burning public questions, which he believed he alone could settle. The conviction was upon him that the South and the Union could be saved by him only.

While the question of the compromise was under consideration, and Bell of Tennessee, Clay of Ken-

tucky, and Foote of Alabama were struggling to devise a scheme which both sides could accept to palliate existing evils, the Senate received word that the leader who opposed them had dropped out of the fight.

This ending was not unexpected by his friends, who had, in fact, believed that he would not be able to come back to this session of Congress at all. During the previous session, he had fainted three times in the lobby of the Senate, and on one of these occasions, R. Barnwell Rhett, hastening to him from the House, found him lying exhausted upon a sofa in the Vice-President's room, with his coat and waistcoat off. As he took his hand, Calhoun said mournfully, "Ah, Mr. Rhett, my career is nearly done. The great battle must be fought by you younger men."

"I hope not, sir," replied Rhett, "for never was your life more precious, or your counsels more needed for the guidance and salvation of the South."

"There, indeed," said Calhoun, his tears gathering, "is my only regret at going. The South! The poor South!"

Rhett urged him to put on his coat.

"I cannot," he said, "I am burning up. Wait till I am cool." [1]

Mr. Rhett was right in saying the South, or more correctly the cause of slavery, could ill afford to lose him. There was none competent to take his place, and the younger men to whom he looked to fight the great battle, were mere pygmies by com-

[1] See Rhett's Eulogy in *The Carolina Tribute to Calhoun*, p. 270.

parison with this giant, who, burning up with fever, fought so manfully for his cause even when he was at the portals of death.

A few days before he died, he dictated to his private secretary, Joseph A. Scoville, certain resolutions which he contemplated introducing in the Senate as the ultimatum of the South. They recited that the Southern states could not lawfully be deprived of equal rights in the territory acquired from Mexico or from any other source; that the people of a territory had no right to form a constitution and a state without the permission of Congress, and that the action of California was consequently void; that Congress had no right to give validity to California's constitution; that the Wilmot Proviso was an attempt to deprive the South of its rights by a palpably unconstitutional method; and that the time had arrived when the Southern states owed it to themselves and the other states in the Union to settle forever the questions at issue between them. There was nothing new in these resolutions. They merely put in concrete form what Calhoun had said over and over again.

After this deliverance had been taken down, he expressed a wish for "one hour more to speak in the Senate," adding, "I can do more than on any past occasion in my life."

The resolutions which he had just dictated were in his mind when he uttered this wish. No new and hitherto unthought-of plan for saving the South had come to him. Some of his followers believed

otherwise after his death, and others thought his words meant that he had at length determined to abandon the position he had so long defended and speak out in favor of disunion as the remedy for evils which had become unendurable;[1] but he had said nothing to indicate that he was on the verge of a discovery, and, moreover, subsequent investigators, who have gone over the whole field with a microscope, know that there was no remedy discoverable. As for disunion, never, in spite of the fact that many of his followers had always wished it, had he given any indication that he would favor it, while there existed even a shadow of hope of preventing it. If now, when he had but a few hours to live, he had come definitely to the conclusion that he must speak out in favor of disunion, he would have done so, for it would have required him to say but one word, and he had yet strength enough for that.

During his last hours, his mind was not fixed on death, nor upon the awful problem which it would solve for him; but upon the political problem with which his country was vainly struggling. It was a senator rather than a man who was dying. Ever since his fatal illness had begun, he had resolutely forbidden that his wife should be sent for, or told of his condition, not wishing that she should be put to inconvenience. His son, John B. Calhoun, a physician, was the only member of his family who was with him.

[1] See Rhett's Oration.

His faithful friend, Crallé, came to him and watched by his bed the night he died. Death approached gradually, and, as it had been expected for some time, he was almost abandoned in his last hours. Crallé was struck with the absence of any signs of feminine attention in the sick chamber. On the narrow mantelpiece was a lump of cold boiled rice, a glass of water, some dried prunes and a feeble tallow candle. As the night wore on, the noise of merrymaking in other parts of the house sometimes penetrated the sick-room, and occasionally some one would look in to ask if he still lived.[1] At half-past twelve he said he felt that he was sinking, and in about an hour called his son to him, and holding out his arm remarked that the pulse was not discernible. He then directed that his watch and papers be put in his trunk and added that he felt no pain. A little later he said: "I am perfectly comfortable." Shortly before six o'clock, he motioned to his son to come to his bedside, and taking his hand, looked him intently in the eyes, but was unable to speak. He remained conscious for a little while longer, then closed his eyes, and was dead. It was half-past seven o'clock, Sunday morning, March 31, 1850, and the cause of his death was asthenia, superinduced by the diseased condition of the lungs.

On Tuesday, April 2d, his body was taken into the Senate chamber, Clay, Webster, Mangum, Cass, King and Berrien acting as pallbearers, and state

[1] Crallé MSS.

funeral ceremonies were held, after which there was a procession to the Congressional Burying-Ground, where the body was put in a receiving vault.

On Monday morning, April 22d, it was brought to the east front of the Capitol and received by a committee of twenty-five prominent citizens of South Carolina, who had been sent to accompany it back to the state. A second funeral procession carried it to the wharf on the Potomac, where it was put on a boat and carried down the river to Acquia Creek, being met there by a special train and deputations from Fredericksburg and Richmond. In these and all other cities along the route to Wilmington, N. C., there were solemn observances in honor of the dead senator. At that place, the steamer *Nina* and an escorting steamer were met, and the body was carried on to Charleston by sea, arriving off the Battery at nine o'clock Thursday morning, April 25th, and being landed at noon. The coming was expected, and elaborate preparations of reception had been made, but there was no crowd at the wharf, and the long funeral procession passed through streets silent and apparently deserted. All the houses were draped in mourning and their shutters were closed. In front of the citadel, where a great throng had gathered, Senator Mason, of Virginia,—he who had read Calhoun's last speech,—in behalf of Congress, formally transferred the body to the governor of South Carolina. It was then taken to the City Hall, where it lay in state, and the next day, April 26th, was carried to

St. Philip's Church, whence, after funeral services, it was put in a tomb in the Western Cemetery of the church. In the annals of the city of Charleston, there is no event of greater note than the extraordinary funeral of Calhoun.

Unusual homage was also paid to him throughout the Union. Most people in the North differed with him, but all respected and admired him for his boldness, his honesty and his great talents, and they felt it a credit to the country that it had produced such a man. But with most Southerners the homage was evidence of devotion to what he stood for and of grief at the loss of the leader of their cause; and in South Carolina the sorrow was as deep as any people ever felt for the untimely death of their chosen king. He was, in fact, their uncrowned king.

The lesson of his life was taught from their pulpits and platforms, and these addresses show how the same conflict which had raged in him raged in the breasts of his constituents. When Senator Mason delivered the body to Governor Seabrook, he said: "It is no disparagement to your state or her people, to say their loss is irreparable, for Calhoun was a man of a century; but to the entire South, the absence of his counsels can scarcely be supplied." The orator was thinking of Calhoun simply as a Southerner.

Rev. James W. Miles, who preached the sermon over his bier in St. Philip's Church, warned the people that a crisis was upon them. "Wait not,

then," he said, "for that compulsory union in an issue for your last hope of justice and equality; but here, around the coffin of that heroic dust, with the deep and solemn deliberation which the scene is calculated to inspire, vow in your inmost souls to bury all party rivalry and division, and to unite as fellow citizens and brothers in your reasonable and unflinching maintenance of a cause which involves nothing less than your self-respect and your equitable participation in the rights of a Free Confederacy." Rev. J. C. Coit, in a eulogy delivered at Cheraw, pointed out the probable coming of forcible disunion and showed that in the test several states would help South Carolina. Rev. B. M. Peters, at the Presbyterian Church at Columbia, said every one wanted to retain the Union, but that it must be a reality and not a sham; and in this he closely followed Calhoun's idea. J. H. Hammond in his oration on November 21st, laid away forever the doctrine of nullification, which had really died some years before. "It is not probable," he said, "that state interposition will ever again be resorted to while this Union continues. More decisive measures will be preferred."

Had Calhoun's life been a success or a failure? He had helped, in 1812, to form a people drifting toward unpatriotic, unworthy ideals into a nation of patriots; he had brought the people of his own state, in 1828, to espouse a theory of government so impracticable and absurd that they and he occupy

the unique position of being the only ones who have ever advocated it; but he had saved them from an attempt at disunion. He had emerged from this maze of reasoning, which he had mistaken for a scheme of government, into the championship of slavery and state sovereignty, and he welded the two ideas inseparably together. If he had lived, he would have seen the destruction of both, and he would have seen the degradation of his state and of the South. If there ever was a statesman who judged the consequences of events correctly, it was he. Without slavery there would have been no insistence upon state sovereignty; without state sovereignty there would in the end have been no slavery; general and sudden emancipation meant the destruction of the whole edifice of Southern society. There may have been a time in the history of the South when gradual emancipation would have been possible; but it was never possible unless it was supported by public opinion, and such support became absolutely out of the question as soon as any considerable number of men outside of the South organized a movement to accomplish unconditional abolition. Such a movement was the waving of a torch in a powder-magazine and compelled every slaveholder and every dweller in the slave country to stand for the protection of his property and his life. What could Calhoun have done but support slavery and state sovereignty, the bulwark which supported it? Slavery was the foundation on which the civiliza-

tion of his people had been built, and he knew that if it was doomed, the South was doomed. His people rushed forward to their fate without him. If he had lived, he might have led them into a different path from that they followed; but they would have reached the same end, for it was beyond the power of man to stay the hand of fate which fell so heavily upon them. Calhoun's cause failed and his life's effort failed, but more than any man in our history he was identified with that cause, and it was a central idea in which nearly half the American people believed until it was destroyed by the Civil War. Among American statesmen few have had so strong an influence upon their time as he. Never coming forward too soon, never miscalculating the will of his constituency, he was able to guide that will and bring it to bear upon the nation with well-directed force.

Regret has often been expressed by students of Calhoun's career, who have come to admire his mental and moral characteristics, as all must who study it, that he should have changed from a nationalist to a sectionalist; but this regret is short-sighted. If he had remained a nationalist, he would have been a Carolina planter with perhaps occasional service in the state legislature, and his fame would have been no greater than that of Petigru or B. F. Perry, for example. He played a great historical part in our national life because he was a sectionalist and would not have been known if he had remained a nationalist.

Was he right or wrong? Most Southern men thought that he was right and he himself thought so in every fibre of his being. Nevertheless, his strong nature was wrung with contending emotions. He gloried in the Union; he believed that upon its continuance depended the welfare and advancement of the human race; he would have repelled with indignation the charge that he was not a true American. But if the South must die—his South, the only South he had ever known or could imagine—then his duty and his wish were to save it, and if necessary to sacrifice the Union in order to save it.

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